

Washington, Tuesday, September 16, 1941

The President

EXECUTIVE ORDER

DIRECTING CERTAIN UNITS, VESSELS AND PERSONNEL OF THE COAST GUARD TO OP-ERATE AS A PART OF THE NAVY, SUBJECT TO THE ORDERS OF THE SECRETARY OF THE NAVY

WHEREAS section 1 of the act of January 28, 1915, 38 Stat. 800 (U. S. C., title 14, sec. 1), as amended by sections 5 and 6 (a) of the act of July 11, 1941 (Public Law 166, 77th Congress), provides:

That there shall be established in lieu of the existing Revenue-Cutter Service and the Life-Saving Service, to be composed of those two existing organizations, with the existing offices and positions and the incumbent officers and men of those two services, the Coast Guard, which shall be a military service and constitute a branch of the land and naval forces of the United States at all times and which shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. Whenever the Coast Guard or any units thereof are transferred to the Navy Department, applicable appropriations of the Navy Department shall be available for the expenses thereof: Provided, That the applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department for such expenses in such amount or amounts as the Director of the Bureau of the Budget shall determine: Provided further, That no provision of this Act shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President.

WHEREAS it is essential, for the strengthening of our national defense, that certain units, vessels and personnel of the Coast Guard operate as a part of the Navy, subject to the orders of the Secretary of the Navy, as national defense needs may require from time to time during the present emergency:

NOW, THEREFORE, by virtue of the authority conferred upon me by the statutory provisions above set forth, I hereby direct that all units, vessels and personnel of the Coast Guard heretofore transferred to, or under detail with, the Navy during

the present emergency, and such additional units, vessels and personnel of the Coast Guard as may be hereafter designated for Navy operation upon agreement of the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, shall, during the period of the present unlimited emergency, operate as a part of the Navy, subject to the orders of the Secretary of the Navy: Provided, That upon agreement by the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Navy, any unit, vessel or personnel operating as a part of the Navy during the present unlimited emergency, may be returned to the Department of the Treasury and resume its or their former status as a part of the Coast Guard.

When any unit or vessel of the Coast Guard is transferred for operation by the Navy as a part thereof, during the present unlimited emergency, there shall devolve upon the Navy for the period of such operation all Coast Guard functions, duties, and responsibilities with which such unit or vessel is charged by law, regulation, and legal orders, unless different arrangements are made upon agreement by the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury.

All Coast Guard personnel operating as a part of the Navy, subject to the orders of the Secretary of the Navy, during the present unlimited emergency, shall while so serving, be subject to the laws enacted for the government of the Navy Provided. That in the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the Department having jurisdiction of the person of such offender at the various stages of such action: Provided further, That any punishment imposed and executed in ac cordance with the provisions of this par-

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the Federal Registers

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The daily issue of the Federal Register will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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agraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

This order and Executive Order No. 8767 of June 3, 1941, directing certain personnel of the Coast Guard to operate as a part of the Navy subject to the orders of the Secretary of the Navy, shall cease and be of no effect upon the termination of the present unlimited emergency, whereupon all units, vessels and personnel of the Coast Guard then operating as a part of the Navy shall automatically return to the jurisdiction of the Department of the Treasury and resume their former status as a part of the Coast Guard.

FRANKLIN D ROOSEVELT THE WHITE HOUSE,

September 11, 1941.

[No. 8895]

[F. R. Doc. 41-6870; Filed, September 12, 1941; 1:59 p. m.]

* 6 F.R. 2743.

Rules, Regulations, Orders

TITLE 7-AGRICULTURE

CHAPTER VII-AGRICULTURAL AD-JUSTMENT ADMINISTRATION

[ACP-1941-Insular]

PART 702-AGRICULTURAL CONSERVATION PROGRAM BULLETIN, INSULAR REGION 1

SUBPART C-1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as Amended, § 702.203 of the 1941 Agricultural Conservation Program Bulletin-Insular Region, issued March 13, 1941, is hereby amended as follows:

Paragraph (a) is amended to read:

§ 702.203 Tobacco—(a) State allotment. The State allotment of tobacco for Puerto Rico is 35,000 acres.

Paragraph (c) is amended to read:

(c) Payment in connection with tobacco acreage allotment. Payment will be made at the rate of 1.8 cents per pound (farm weight) of the normal yield of the farm for each acre in the tobacco acreage allotment.

Paragraph (d) is amended to read;

(d) Deduction for excess tobacco acreage. The payment computed for any farm under §§ 702.201 and 702.203 shall be subject to a deduction of 18 cents per pound (farm weight) of the normal yield of the farm for each acre planted to tobacco in excess of the tobacco acreage allotment established for that farm.

By addition of paragraph (e) as fol-

- (e) Normal yield. The State office shall determine for each farm for which an acreage allotment is established under paragraph (b) of this section a normal yield for tobacco in accordance with instructions issued by the Agriculutral Adjustment Administration.
- (1) If the average of the normal yields established for all farms (weighted by the tobacco acreage allotments therein) exceeds 670 pounds (farm weight) of tobacco per acre, which is the adjusted average yield per acre for the State during the five crop years 1936-37 to 1940-41, inclusive, the normal yields for these farms shall be reduced pro rata so that the average of the normal yields shall not exceed this figure.

Done at Washington, D. C., this 13th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAT.] GROVER B. HILL, Acting Secretary of Agriculutre.

[F. R. Doc. 41-6873; Filed, September 13, 1941; 10:55 a. m.]

16 F.R. 1448.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER I-UNITED STATES EM-PLOYEES' COMPENSATION COM-MISSION

SUBCHAPTER E-EXTENSION OF THE LONG-SHOREMEN'S AND HARBOR WORKERS' COM-PENSATION ACT TO PERSONS EMPLOYED AT MILITARY, AIR AND NAVAL BASES OUT-SIDE CONTINENTAL UNITED STATES

PART 51-GENERAL ADMINISTRATIVE PROVISIONS

General administrative provisions. 51.1

Establishment of compensation districts. Establishment of sub-offices, filing of 51.3 reports, notices, claims, and other

51.4 Prehearing conferences.

51.5 Commutation of payments in cases of aliens and non-nationals of the United States.

§ 51.1 General administrative provisions. (a) Except as herein modified, the regulations in subchapter C of this Chapter, governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. Chapter 18), shall so far as not inapplicable govern the administration of the Act entitled "An Act to provide compensation for disability or death resulting from injury to persons employed at military, air, and naval bases acquired by the United States from foreign countries, and on lands occupied or used by the United States for military or naval purposes outside the continental limits of the United States, including Alaska, Guantanamo, and the Philippine Islands. but excluding the Canal Zone, and for other purposes", approved August 16, 1941 (Public Law 208, 77th Congress), and every person subject to, claiming benefits under, or acting under, the said Act shall conform to the procedure prescribed in the Longshoremen's and Harbor Workers' Compensation Act and in the regulations under subchapter C and this subchapter. The term "Commission" as used in this subchapter means the United States Employees' Compensation Commission.

(b) The said Act of August 16, 1941, applies in respect to the injury or death of any employee engaged in any employment at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government or any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, irrespective of the place where the injury or death occurs.

(c) The said Act of August 16, 1941, does not apply in respect to injury or death of (1) an employee subject to the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (39 Stat. 742; 5 U.S.C. 751-793), as amended; (2) an employee engaged in agriculture, domestic service, or any em-

ployment that is casual and not in the usual course of the trade, business, or profession of the employer; or (3) a master or member of a crew of any vessel.*

*§§ 51.1 to 51.5, inclusive, issued under the authority contained in sec. 39 of the Long-shoremen's and Harbor Workers' Compensashoremen's and Harbor Workers Compensa-tion Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air and naval bases out-side the United States by the Act of August 16, 1941, Public Law 208, 77th Congress, Statutes Interpreted or applied and statutes giving special authority are listed in paren-thesis at the end of the specific sections.

- § 51.2 Establishment of compensation districts. Pursuant to the provisions of section 39 (b) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U.S.C. 939 (b)) and section 3 (a) of said Act of August 16, 1941 (Public Law 208, 77th Congress), the Commission hereby establishes the following compensation districts and extends the following existing compensation districts established under the regulations in § 31.2, subchapter C, of this Chapter:
- (1) Caribbean District. This district comprises the West Indies and British Guiana, with headquarters at San Juan, Puerto Rico.
- (2) Pacific District. This district comprises all land areas in the Pacific Ocean south of the 45th degree north latitude, with headquarters at Honolulu,
- (3) District No. 1. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Newfoundland and Greenland, with headquarters at Boston, Massachusetts.
- (4) District No. 2. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Bermuda, with headquarters at New York, N. Y.
- (5) District No. 14. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include all land areas in the Pacific Ocean north of the 45th degree north latitude, and Alaska, with headquarters at Seattle, Washington.*
- § 51.3 Establishment of sub-offices; filing of reports, notices, claims, and other papers. (a) As administrative exigencies from time to time require, the Commission may by administrative order establish within compensation districts under said Act of August 16, 1941, a suboffice or sub-offices in each such district, to be in charge of a claims examiner or other designated person, who shall be under the administrative supervision of the deputy commissioner for the particular compensation district.
- (b) Where a sub-office or sub-offices have been established by the Commission pursuant to this section to facilitate administration at any designated base or in any designated area within a compensation district, report by the employer of injury or death, notice of injury or death, claim for compensation, and ap-

plication for review of a compensation case as required, respectively, under §§ 31.3, 31.4, 31.5, and 31.15 of the regulations in subchapter C of this Chapter, together with all correspondence and supplementary reports relative thereto, in a case arising at any such base or in any such area, may be filed at the sub-office of the deputy commissioner for such place. Reports in cases arising at other places may be filed with the deputy commissioner at his headquarters.

(c) The files in individual cases arising within the area served by any such suboffice of the deputy commissioner shall remain at the sub-office until the case is closed or final action is taken, after which they shall be sent to the headquarters of the deputy commissioner. All applications pertaining to benefits and other moving papers shall be filed in such sub-office, unless otherwise directed by the deputy commissioner.* (Sec. 19 (a), 44 Stat. 1435; 33 U.S.C. 919 (a))

§ 51.4 Prehearing conferences. (a) In order to expedite and simplify formal administrative proceedings, in all cases in which there are issues of fact or law, whenever practical, no formal hearings will be set until after prehearing conferences. Such conferences may be held by the deputy commissioner, a claims examiner or other person designated for such purpose by the deputy commissioner.

(b) The purposes of such prehearing conferences are (1) amicably to dispose of controversies wherever possible; (2) to narrow issues; and (3) to simplify the subsequent methods of proof.

(c) Prehearing conferences may be set upon ten days' notice to the parties in interest (or a longer period if the circumstances require or shorter period if agreed upon by the parties). They shall be kept characteristically informal, and shall not be stenographically reported. It shall be the duty of the deputy commissioner, claim examiner or other person in charge of the conference to guide the discussion toward the achievement of the purposes of such conference, giving the parties the benefit of his specialized experience.

(d) At the termination of such conferences the person in charge thereof shall prepare stipulations, for the signatures of the parties, covering agreements as to all or part of the facts, admissions, narrowing of issues, or simplification of methods of proof. Such stipulations when signed by the parties in interest shall become part of the record of the case. Where stipulations relate to evidence to be used at a later formal hearing, such evidence may then be received and approximately identified by marking such evidence, respectively, as claimant's or respondents' exhibits, consecutively numbered in each respect. At the termination of a conference, the person in charge thereof shall prepare for the file in the case a memorandum setting forth the purpose for which the conference was held, the matters discussed and the results achieved. Should a conference terminate without achievement of the purpose thereof, the person in charge, after review of the record of the case, shall by letter addressed to the parties in interest make his recommendation to dispose of the matter in controversy, setting a date for reply thereto.* (Sec. 23 (b), 44 Stat. 1437; 33 U.S.C. 923 (b))

§ 51.5 Commutation of payments in cases of aliens and non-nationals of the United States. Applications under section 2 (b) of the said Act of August 16, 1941, for commutation of future installments of compensation payable to aliens and non-nationals of the United States. not residents of the United States or Canada, shall be made to the deputy commissioner, who shall in turn transmit such applications promptly to the Commission. Such commutation shall be made as of the date such application is received at the headquarters of the deputy commissioner, or such later date as the application may show to be proper. No such commutation shall be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.*

PART 52-AUTHORIZATION OF INSURANCE CARRIERS

Sec

- 52.1 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
- Workmen's compensation endorsement. Report by carrier of issuance of policy 52.2 52.3 or endorsement; form.

- Report; by whom sent.
 Agreement to be bound by card report. Report by employer operating temporarily in another compensation district.

 Name of one employer only shall be reported on one card. 52.6

§ 52.1 Applicants currently authorized to write insurance under other Federal workmen's compensation laws. Any applicant currently authorized by the Commission to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. Chapter 18) or under the District of Columbia workmen's compensation law (45 Stat. 600; 19 D. C. Code, 11, 12) need not support its application with the evidence required by the regulations in Part 32, subchapter C of this Chapter, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Commission, but instead its application may refer to the fact that it has been so authorized.*

*§§ 52.1 to 52.7, inclusive, issued under the authority contained in sec. 39 of the Long-shoremen's and Harbor Workers' Compen-sation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th

§ 52.2 Workmen's compensation endorsement. (a) The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used with the form of policy approved by the Commission for use by an authorized carrier:

For attachment to Policy No. The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended by the provisions of the Act of Congress providing compensation for disability or death resulting from injury to persons employed at mili-tary, air, and naval bases and at certain other places, being Public Law No. 208 of the 77th Congress, approved August 16, 1941, and all laws amendatory thereof or supplementary thereto which may be or become effective while this Policy is in force.

The Company will carry out the provisions of section 35 of said Act. Insolvency or bank-ruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained

by an employee during the life of the Policy The Company agrees to abide by all the provisions of this Act and all lawful rules, regulations, orders, and decisions of the United States Employees' Compensation Commission and of the deputy commissioner, having jurisdiction, unless and until set aside, modified, or reversed by a court having jurisdiction of the parties and the subject matter.

This endorsement shall not be canceled prior to the date specified in the Deliver of the date of the date

prior to the date specified in this Policy for its expiration until at least thirty days have elapsed after a notice of cancelation has been sent to the Commission, to the Deputy Com-missioner, and to this Employer. All terms, conditions, requirements, and obligations expressed in this Policy or in any

other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully

made a part of this endorsement as fully and completely as if wholly written herein.

References to the law of any State in Conditions B and D of this Policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act and the said Act of Congress approved August 16, 1941 (Public Law No. 208, 77th Congress).

(b) The following undesignated paragraphs may at the option of the insurer be included in the form of endorsement which is provided above. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Commission and its specific approval thereof.

If this Employer is a contractor the sub-ject of whose contract includes operations covered by this Policy and he shall sub-contract all or any part of such contract to one or more sub-contractors, the remunera-tion of all the direct employees of all such sub-contractors shall be included in the re-turn of remuneration under the provisions of this Policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of this Employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the Policy as the remuneration of the direct employees as the remuneration of the direct employees of this Employer. The requirements of this paragraph shall not apply as respects any such sub-contractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but this Employer shall not claim the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that the Company by certificate or otherwise that any such sub-contractor has legally secured the payment of compensation to his own direct employees and then only respecting any sub-contractor who has furnished such

If the premium as determined in accordance with the provisions of the Policy is less than \$300, there shall be added thereto an Expense Constant of \$10, unless such addition shall increase the premium to an amount in excess of \$300, in which event only such part of the Expense Constant shall be added as will bring the amount of the premium up to \$300. Inclusion of the Expense Constant or any part thereof in the Estimated Advance Premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum Premium of the Alexandre under the provisions hereof. mum Premium of the Policy includes the Expense Constant.

(c) In applying the regulations in Part 32, subchapter C of this Chapter as the regulations issued under this subchapter. all references to the Longshoremen's endorsement shall be construed as having reference to the workmen's compensation endorsement prescribed herein.*

§ 52.3 Report by carrier of issuance of policy or endorsement; form. (a) A carrier which has executed the agreement provided for in § 52.5 shall report to the deputy commissioner assigned to a compensation district, each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, light yellow, light weight, and 3 by 5 inches. The printing thereon shall be as follows:

Employer Address _____

(Policy No.) (Dates of beginning and expiration)

Report is made of this issue of approved form of policy and endorsement under Long-

form of policy and endorsement under Long-shoremen's and Harbor Workers' Compensa-tion Act, as extended to military, air and naval bases by the Act of August 16, 1941.

This card to be sent to the Deputy Com-missioner of the United States Employees' Compensation Commission in the compensa-tion district indicated by the Employer's address. address.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this designation may be printed on the back of the card. The space below the word "employer" should be sufficient to allow two additional lines for typing below the word "address". The word "employer" should be about 3/4 of an inch from the top margin. The line for cancelation date will be filled in only by the office of the deputy commissioner.*

§ 52.4 Report; by whom sent. The report of issuance of a policy and endorsement provided for in § 52.3 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agencies so duly authorized. The deputy commissioner in turn shall supply to his sub-offices current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancelations shall also be furnished to sub-offices.*

§ 52.5 Agreement to be bound by card reports. (a) Except as provided in this section, each employer shall present to the deputy commissioner in the compensation district in which he has operations, the policy which he has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U.S.C. 932), as extended by the Act of August 16, 1941, covering his operations in such district. Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Commission an agreement signed by its President and Secretary (or other authorized officers in case of foreign or mutual companies or State funds), in the following form, and making reports accordingly of the issuance of a policy in such particular

Company hereby agrees, in consideration of the acceptance by the United States Em-ployees' Compensation Commission and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as extended to military, air, and naval bases by the Act of August 16, 1941 (Public Law 208, 77th Congress) in the form prescribed by the Commission in section 52.3 of its regulations, that it will section 52.3 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement under said law in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the expression of the proper deputy commissioners and transmit the same to the proper deputy commissioner; and it further agrees that such liability shall not be ter-minated prior to the expiration of the policy, except in case of cancelation, and then the time and in the manner which is pre-scribed in said law, in the regulations of said Commission, and in the endorsement referred

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving 30 days notice to the Commission by registered mail.*

§ 52.6 Report by employer operating temporarily in another compensation district. Where an employer having operations in one compensation district contemplates engaging in work subject to the said Act of August 16, 1941, in another compensation district, a carrier which has executed the agreement provided for by § 52.5 may submit to the deputy commissioner of such latter district a report on the card form prescribed by § 52.3, containing the address of the employer in the first mentioned district with the additional notation "No present address in _____ compensation district. Certificate requested when address given".*

§ 52.7 Name of one employer only shall be reported on one card. A separate report of the issuance of a policy and endorsement, provided for by § 52.3, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner con-

cerned, with the name of only one employer on each such report.*

PART 53-AUTHORIZATION OF SELF-INSURERS

Authorization of self-insurers.

53.2 Reports required of self-insurers; examination of accounts of self-insurer.

§ 53.1 Authorization of self-insurers. The provisions of the regulations in Part 33, subchapter C of this Chapter, shall govern the authorization of the self-insurance privilege under the said Act of August 16, 1941. An application shall contain (a) a statement of the amount of the employer's pay roll for the preceding 12 months; (b) a statement by classifications of the average number of employees engaged in employments within the purview of said law for the preceding 12 months; (c) a statement of the number of injuries to such employees resulting in disability of more than 7 days duration, or in death, during each of 3 years next preceding the date of the application; (d) an itemized statement of the assets and liabilities of the employer; (e) a description of the safety organization maintained by the employer for the prevention of injuries within his places of work; (f) a description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees: (g) a statement describing any excess insurance or stop-loss insurance arrangement made by the employer, giving the name of the carrier, with full details of any such excess coverage; and (h) a statement describing any plan adopted by the employer to set aside a reserve fund for the payment of workmen's compensation benefits under said The Commission in its discretion may require the applicant to submit such further information or such evidence as the Commission may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application, over his typewritten name and official designation and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the Commission. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein.*

*§§ 53.1 and 53.2 issued under the authority contained in sec. 39 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Congress.

§ 53.2 Reports required of self-insurers; examination of accounts of selfinsurer. (a) At such times as the Com-

mission may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(1) A sworn itemized statement of the self-insurer's assets and liabilities, or a balance sheet.

(2) A sworn statement showing by classifications the pay roll of employees of the self-insurer who are engaged in employments within the purview of the said Act of August 16, 1941.

(3) A sworn statement of payments of compensation in current cases during any specified quarter, showing the nature of injury in each case.

(4) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each

(b) Whenever it deems it to be necessary, the Commission may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Commission by such self-insurer or verifying any information furnished to the Commission in any report required by this section, or any other section of the regulations in this subchapter, and such self-insurer shall permit the Commission or its duly authorized representative to make such an inspection or examination as the Commission shall require. In lieu of this requirement the Commission may in its discretion accept an adequate report of a certified public accountant."

PART 54-ISSUANCE OF CERTIFICATES OF COMPLIANCE

Issue of certificates of compliance. 54.1 Same; employer operating temporarily in another compensation district. 54.3 Return of certificates of compliance.

§ 54.1 Issue of certificates of compliance. (a) Every employer who has secured the payment of compensation by obtaining a policy of insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U.S.C. 939) and by Part 52 of the regulations in this subchapter will receive from the deputy commissioner in the compensation district in which he has operations, a certificate that such employer has secured the payment of such compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photostatic copies of such a certificate made for use in different places within the compensation district. A certificate of compliance will be issued by the deputy commissioner to any employer having operations in his district (1) upon receipt by the deputy commissioner and acceptance by him of a card report of the issuance of a policy to the employer concerned, as provided by § 52.3, by an authorized insurance carrier which has filed an agreement to be bound by such card report in conformity with § 52.5, or (2) upon presentation to the deputy commissioner by the employer concerned (and not by an insurance carrier, insurance agent, or broker) of the policy of insurance, and endorsement thereon, issued to the employer in conformity with Part 52 by an authorized insurance carrier which has not filed the agreement provided for by § 52.5.

(b) Every employer who has been granted the privilege of self-insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act and by Part 53 of the regulations in this subchapter will receive from the deputy commissioner a certificate that he has complied with the said law with respect to the securing of the payment of compensation. Only one such certificate will be issued to an employer and it will be valid only during the period stated in such certificate.

(c) Two forms of such certificates have been provided by the Commission, one form for use where the employer has obtained insurance generally under the regulations in this subchapter and one for use where the employer has been authorized as a self-insurer.*

*§§ 54.1 to 54.3, inclusive, issued under the authority contained in sec. 39 of the Long-shoremen's and Harbor Workers' Compensa-tion Act. 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Con-

§ 54.2 Same; employer operating temporarily in another compensation district. A deputy commissioner receiving a card report of the issue of a policy of insurance with the notation authorized by § 52.6 will file such card report until he receives from the insured employer named therein a request for a certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.*

§ 54.3 Return of certificates of compliance. Upon the termination by expiration, cancelation or otherwise, of a policy of insurance issued under the provisions of said Act of August 16, 1941. and the regulations in this subchapter, or the revocation or termination of the privilege of self-insurance granted by the Commission, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer holding a certificate of compliance under an insurance policy which has expired, pending renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal of insurance upon the expiration of a policy under said Act or whose selfinsurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.*

Regulations issued September 12, 1941. JEWELL W. SWOFFORD, Chairman.

JOHN M. MORIN.

Commissioner. JOHN J. KEEGAN.

Commissioner.

[F. R. Doc. 41-6899; Filed, September 15, 1941; 11:16 a. m.]

TITLE 26-INTERNAL REVENUE

CHAPTER I-BUREAU OF INTERNAL REVENUE

SUBCHAPTER C-MISCELLANEOUS EXCISE TAXES

[T. D. 5068]

PART 310-TAXES ON OLEOMARGARINE, ADUL-TERATED BUTTER, AND PROCESS OR RENO-VATED BUTTER

Regulations 91 (revised April 1936), [Part 310, Title 26, Code of Federal Regulations], but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4886, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.] are amended as follows:

Section 310.28, Title 26, Code of Federal Regulations [Article 28] is amended by changing paragraph (a) thereof to read as follows:

§ 310.28 Packages—(a) General. No maximum package is prescribed by law. However, manufacturers are required to put up their product in statutory packages. A statutory package is one designed to contain only that quantity and class of oleomargarine as indicated by the stamp to be affixed thereto. A statutory package may include small advertising cards, coupons, certificates, circulars, and other like advertising matter intended as an advertisement of the oleomargarine business of the manufacturer. It shall not contain any article which would materially increase the weight or size of the package.

Containers of oleomargarine must be of a durable and substantial character and must completely cover the contents. As to penalty for refilling containers from which oleomargarine has been removed, see section 13, Act of August 2, 1886.

(This Treasury Decision is issued under the authority contained in sections 3644 and 3791 of the Internal Revenue Code (53 Stat. 442 and 467).)

[SEAL] GUY T. HELVERING. Commissioner of Internal Revenue.

Approved: September 11, 1941.

JOHN L. SULLIVAN. Acting Secretary of the Treasury.

[F. R. Doc. 41-6879; Filed, September 13, 1941; 12:13 p. m.j

CHAPTER II - UNITED STATES PROCESSING TAX BOARD OF RE-VIEW

PART 601-RULES OF PRACTICE AND PROCEDURE

Pursuant to subdivisions (d) and (f) of section 906, Title VII, Revenue Act of 1936, the Rules of Practice before the United States Processing Tax Board of Review are hereby amended so as to include the following rule:

§ 601.36 Depositions upon written interrogatories. (a) In the discretion of the Board depositions may be taken upon written interrogatories in substantially the same manner as provided in Rules 29 and 30.

(b) The proposed interrogatories must be filed with the application. The Board will serve one copy of the application and of the proposed interrogatories upon the opposite party.

(c) Within fifteen days after such service the adverse party may file objections to any of the proposed interrogatories, which objections must state specifically the grounds therefor, or he may file proposed cross-interrogatories.

(d) If proposed cross-interrogatories are filed, they will be served by the Board, and the adverse party may within 15 days thereafter file objections thereto, which objections must state specifically the grounds therefor.

(e) No objection to an interrogatory or cross-interrogatory will be considered at the hearing unless timely filed in accordance with this Rule.

(f) A signed original and four clear, conformed copies of all papers shall be

(g) No person other than the witness, a stenographic reporter, and the officer taking the deposition upon written interrogatories and cross-interrogatories shall be present at the examination of the witness. This fact shall be certified by the officer taking the deposition and such officer shall propound the interrogatories and cross-interrogatories to the witness in their order and cause the testimony to be reduced to writing verbatim, each answer to follow immedi-

¹¹ F.R. 160.

²⁴ F.R. 879.

ately after the interrogatory and crossinterrogatory. (Sec. 906 (d), (f), 49 Stat. 1749, 1750; 7 U.S.C., Sup., 648 (d) (f))

By direction of the Board.

[SEAL]

WILLIAM SCHWARTZ, Chairman.

Approved: September 12, 1941.

JOHN L. SULLIVAN,

Acting Secretary of the Treasury.

[F. R. Doc. 41-6878; Filed, September 13, 1941; 11:55 a. m.]

TITLE 30-MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-446, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER MAKING PERMANENT THE TEMPORARY RELIEF HERETOFORE GRANTED IN THE MAT-TER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSI-FICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 605 OF DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

A petition having been filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by Pewee Coal Company, requesting a modification of an Order dated December 30, 1940, 6 F.R. 79, granting temporary and conditionally final relief in Docket No. A-446 establishing classifications and prices for the coals of the Pewee Coal Company, Mine Index No. 605, and certain other mines in District No. 8 which had not been classified and priced;

On March 7, 1941, 6 F.R. 1366, the Director having issued an Order herein severing that portion of Docket No. A-446 relating to Mine Index No. 605, and terminating conditionally final relief granted as to the coals of Mine Index No. 605, and ordering that a hearing in Docket No. A-446, Part II be held;

Pursuant to this order and after due notice to all interested persons, a hearing having been held in this matter on March 18, 1941, before a duly designated examiner of the Bituminous Coal Division, at a hearing room of the Division, in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard:

The preparation and filing of a report by the examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an opinion in this matter, which are filed herewith:

Now, therefore, it is ordered. That the following price classifications and corresponding minimum prices are established

for coals of the Pewee Coal Company produced at Mine Index No. 605, in the specified sized groups, and that § 328.11 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be and the same hereby is amended as follows:

Mine index No.	Code member	Mine name	Subdistrict No.	High vola- tile seam	Freight origin group No.
605	Pewee Coal Co	Pewee	6	Pee Wee	71

PRICE CLASSIFICATIONS BY SIZE GROUP

For destinations other than Great Lakes

1,	3,4	5,	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
A	A	A	A	A	A	c	A	Λ	G	N		A	A	A	

For Great Lakes cargo only

1, 2	3,	5,6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
A	A	A	A	A	A	С	В	G	N	Α	A	Λ	***

It is further ordered, That the following minimum prices are established for the coals of the Pewee Coal Company produced at Mine Index No. 605, in the specified size groups and that § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments be and the same hereby is amended as follows:

SUBDISTRICT NO. 6-SOUTHERN APPALACHIAN

Campbell County, Tenn.

Code member index name	Mine	Mine index No.	Seam
Pewee Coal Co	Pewee	605	Pee Wee.

BASE SIZES

	BASE	16.00	
Lump over 2", Egg 4"x6"	Lump 2" and Under, Egg 3"x6"	Lump 34" and Under	Egg 2"x4", Egg 2"x5"
1	2	3	4
335	315	235	260
Stove 3" and Under, Nut 2" and Under	Straight Mine Run	2" and Under, Slack	34" and Under, Slack
8	6	7	8
225	225	170	165

It is further ordered, That the petition of the Pewee Coal Company requesting a modification of the Order herein dated December 30, 1940, be and the same hereby is denied.

Dated: September 10, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6850; Filed, September 12, 1941; 10:37 a. m.]

[Docket No. A-433]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT No. 23

ORDER GRANTING RELIEF IN THE MATTER OF PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 REQUESTING A CHANGE IN CLASSIFICATION AND MINIMUM PRICES FOR RAIL SHIPMENT COAL FROM SUBDISTRICT "E", M"KAY-LAWSON, INTO MARKET AREA 253 TO CORRECT AN ERROR IN PRICE SCHEDULES

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on December 2, 1940, by District Board No. 23, requesting a change in classifications and minimum prices for rail shipment from Subdistrict "E", McKay-Lawson, into Market Area 253, so that Subdistrict "E" will have the same price classification for rail shipment to Market Area 253 as to Market Area 240.

Pursuant to an appropriate order a hearing having been held in this matter before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Seattle, Washington, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; at the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

Now, therefore, it is ordered, That § 343.5 (General prices; minimum prices for shipment via rail transportation) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments be and the same is hereby amended as follows:

Under Subdistrict "E", McKay-Lawson, delete Market Area "240" and substitute therefor Market Areas "240 and 253."

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6898; Filed, September 15, 1941; 10:10 a. m.]

¹This matter was consolidated with several others for the purpose of hearing. The other dockets heard at the consolidated hearing are subjects of separate reports or findings.

TITLE 31-MONEY AND FINANCE: TREASURY

CHAPTER I-MONETARY OFFICES

PUBLIC CIRCULAR No. 6 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PUR-SUANT THERETO, RELATING TO TRANS-ACTIONS IN FOREIGN EXCHANGE, ETC.

SEPTEMBER 13, 1941.

- (1) Any licenses which may be issued permitting the redemption or purchase for sinking fund purposes or other purchase for blocked accounts of bonds, debentures or similar obligations issued by governments of blocked countries, including political subdivisions, or by corporations organized under the laws of any blocked country, will be so limited as to allow such redemption or purchase only of such securities to which Treasury Department Form TFEL-2 has been previously attached or affixed by, or under the direction of, the Treasury Department.
- (2) Applications for the attachment of Form TFEL-2 should be filed on Form-TFE-2A with the Federal Reserve Bank for the district or with the Governor or High Commissioner of the territory or possession of the United States in which the applicant resides or has his principal office or agency. Copies of Form TFE-2A may be obtained from any such Federal Reserve Bank or Governor or High Commissioner or from the Treasury Department; Washington, D. C.
- (3) Attention is called to the fact that persons acquiring any such securities on or after September 15, 1941, to which Form TFEL-2 has not been attached, are required in Form TFE-2A to furnish much more complete and detailed information concerning the past ownership of the securities than is required of persons who have owned such securities continuously since prior to September 15. 1941. Whereas the former are required on Form TFE-2A to trace the ownership of such securities through April 8, 1940, in order to obtain the attachment of Form TFEL-2, Form TFE-2A only requires the latter to trace the ownership of such securities from the person from whom they have acquired them.
- (4) Any person acquiring any such securities under a contract made prior to September 15, 1941 even though delivery of the securities may have been effected on September 15, 1941, or within a reasonable time thereafter, need trace ownership only from the person from whom the securities were acquired, provided the Treasury Department is furnished with satisfactory evidence that the contract was made in the normal course of business through or with a domestic bank or broker or dealer. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat.

179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr., Acting Secretary of the Treasury.

[F. R. Doc. 41-6905; Filed, September 15, 1941; 11:38 a. m.j

TITLE 32-NATIONAL DEFENSE

CHAPTER VIII-EXPORT CONTROL

SUBCHAPTER C-ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE B

By virtue of the Military Order of July 2, 1940,1 and Executive Order No. 8713 of March 15, 1941,2 I, Russell L. Maxwell, Administrator of Export Control, have determined that effective September 20, 1941, the articles and materials designated in Proclamation No. 2465 of March 4, 1941, issued pursuant to section 6 of the Act of July 2, 1940 (54 Stat. 714, 50 U.S.C.A. Supp., Sec. 99). shall not include: Any application for patent or for the registration of a utility model, industrial design or model in respect of any invention made in the United States, for which a license is required from the Commissioner of Patents under the authority of Public Law 239, 77th Congress, c. 393, 1st Sess., approved August 21, 1941.

By direction of the President.

R. L. MAXWELL, Administrator of Export Control.

[F. R. Doc. 41-6917; Filed, September 15, 1941; 12:16 p. m.]

CHAPTER IX-OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION

PART 937-ZINC

Interpretation With Respect to General Preference Order No. M-11, as Heretofore Amended

SEPTEMBER 15, 1941.

Amendment to General Preference Order No. M-11, issued by the Director of Priorities June 28, 1941, provides in paragraph (c) (1) that after a Producer of Metallic Zinc, Zinc Oxide and Zinc Dust has set aside an amount determined by the Director of Priorities, he shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders equal to the percentage received by every other customer.

Priorities Regulation No. 1," issued August 27, 1941, requires the acceptance of Defense Orders subject to the provisions therein set forth.

If a Producer of Metallic Zinc, Zinc Oxide and Zinc Dust is required to accept Defense Orders it would make it virtually impossible for such Producer to comply with the provisions of paragraph (c) (1) of General Preference Order No. M-11. Accordingly, it is found that Regulation No. 1 is inconsistent with the specific provisions of General Preference Order No. M-11, as amended, to the extent that it would require an acceptance of Defense Orders by Producers of Zinc, Zinc Oxide and Zinc Dust and to this extent Regulation No. 1 is found to be inapplicable to such Producers.

Persons needing Metallic Zinc, Zinc Oxide or Zinc Dust for the fulfillment of Defense Orders and who are unable to obtain the necessary Zinc should make application to the Zinc Branch of the Office of Production Management for the allocation of Zinc as in the past.

> DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-6909; Filed, September 15, 1941; 11:53 a. m.]

PART 958-REPAIRS

Interpretation of Preference Rating Order No. P-22

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1, Preference Rating Order No. P-22,6 dated September 9, 1941.

Where an individual, partnership, association, corporation, governmental unit or other organization operates two or more plants, one or more of which is within any of the classifications listed in paragraph (a) (1) (i-xx) of said § 958.1 and the remainder of which are not within such classifications, the Order permits the application of the preference rating only to deliveries of material required for repair purposes in those plants within the classifications specified in said paragraph (a) (1) (i-xx) of said Order. The rating may not be applied to obtain repair material for plants not engaged in the specified activities.

Issued this 15th day of September 1941.

DONALD M. NELSON. Director of Priorities.

[F. R. Doc. 41-6914; Filed, September 15, 1941; 11:54 a. m.l

PART 962-STEEL

Amendment to General Preference Order No. M-21

Paragraph (b) (13) (i) of § 962.1 (General Preference Order No. M-21)7 is hereby amended to read as follows:

¹This public circular affects Parts 130 and 31 and will be included in appendices to 131 and

¹5 F.R. 2491. ⁸6 F.R. 1502,

^{* 6} F.R. 1300.

⁴⁶ F.R. 2856, 3178, 3180.

⁶ F.R. 4489.
6 F.R. 4665.
7 6 F.R. 4005.

§ 962.1 General Preference Order No. | M-21.

- (b) Directions as to deliveries.

No Producer of Steel shall make, and no Person shall accept from a Producer, delivery of Steel unless and until a statement on Form PD-73 or in such other form as may from time to time be prescribed by the Director of Priorities has been filed as follows:

(i) Except as hereinafter provided, each purchaser shall file Form PD-73 with the Producer at the time of filing his purchase order or contract.

(ii) On orders placed prior to September 1, 1941, with deliveries to be made after September 1, 1941, Form PD-73 shall be filed with the Producer on or before October 15, 1941.

(iii) On all export sales as defined in group E of Form PD-73, Form PD-73 shall be filed not only with the Producer but also with the Iron and Steel Branch, Office of Production Management.

(iv) On all export sales as defined in group E of Form PD-73 (except sales to purchasers in the Dominion of Canada) where orders are placed prior to December 1, 1941, Form PD-73 may be filed by the accredited agent or export division of the Producer in the United States.

(v) When Steel is shipped by a Producer direct to the customer of a Warehouse, Form PD-73 is to be filed with the Producer by the customer and not by the Warehouse.

(vi) When the purchaser is the War Department or Navy Department, or a Warehouse, the purchaser may report on a single Form PD-73 all orders in a single group classification placed during a single month. In such case each Form PD-73 must be filed with the Producer on or before the fifth day of the following month.

This amendment shall take effect immediately. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629 Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 9th day of September, 1941.

DONALD M. NELSON, Director of Priorities.

[F.R. Doc. 41-6910; Filed, September 15, 1941; 11:53 a. m.]

PART 976-MOTOR TRUCKS, TRUCK TRAILERS
AND PASSENGER CARRIERS

Limited Preference Rating Order No. P-54, Material Entering Into the Production of Defense Products

§ 976.2 Preference rating order. For the purpose of facilitating the acquisi-

tion of material for the production of certain trucks, trailers, passenger carriers and of certain parts thereof, a preference rating is hereby assigned to deliveries for such purposes upon the following terms:

- (a) Definitions. For the purpose of this Order:
- (1) "Producer" means any individual, parnership, association, corporation, or other organization, engaged in the production of any of the products listed below entitled "Defense Products."
- (2) "Defense Products" means any of the following items to be produced by the Producer:
- (i) "Heavy Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of three tons or more, or the chassis, body or cab therefor
- (ii) "Medium Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or the chassis, body or cab therefor.
- (iii) "Truck-trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(iv) "Passenger Carrier" means a complete motor or electric coach for passenger transportation, having a seating capacity of not less than 15 persons, or the chassis or body therefor.

- (v) "Defined Parts" means only the following functional parts (including components entering into such parts) used for the manufacture or repair of heavy trucks, medium trucks, trucktrailers and passenger carriers, engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; guages, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears, coupling devices; also the exhaust, cooling, fuel and electrical systerms, including generators, lights, reflectors and batteries; and, but only as to parts for passenger carriers, heating, ventilating and door-opening equipment.
- (3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material which will be physically incorporated into the Defense Products.
- (4) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.
- (b) Assignment of preference rating. Subject to the terms of this Order preference rating A-3 is hereby assigned:
- (1) to deliveries to a Producer by his suppliers of Materials required for the

production by him of Defense Products; Provided, however, That when his production of the Defense Products is limited by Limitation Order No. L-1-a, or by any other order or direction of the Director of Priorities, no materials shall be obtained in quantity greater than required for this production as so limited.

(2) to deliveries to any Supplier of Material which he requires to make his rated deliveries to the Producer or to another Supplier, provided such material will be physically incorporated in the Defense Products.

(c) Persons entitled to apply preference rating. The Preference Rating hereby assigned may be applied by (1) a Producer;

(2) a Supplier, provided that he requires the Material so purchased in order to make deliveries which have been duly rated in the manner specified in paragraph (d).

(d) Application of preference rating.

(1) A Producer in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material, signed by a responsible official duly designated for such purpose by such Producer.

CERTIFICATE OF PRODUCER APPLYING RATING

An A-3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P-54. This application of the rating is made by the Producer upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for producer

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to produce the number of Defense Products within the limits authorized.

(2) A Supplier in order to apply the preference rating to a delivery of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Supplier:

CERTIFICATE OF SUPPLIER APPLYING RATING

An A-3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P-54. This application of the rating is made by the Supplier upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for supplier.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to fill a purchase order placed by a Producer or Supplier duly rated in accordance herewith. Any such Supplier's purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(3) A Producer or Supplier placing any such rated purchase orders or con-

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tracts and the Supplier selling the Material covered thereby, must each retain endorsed copies of such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

- (e) Restrictions on application of rating. The preference rating hereby assigned shall not be applied:
- (1) By a producer to obtain deliveries of materials in excess of the amount needed for the production of the Defense Products, taking into consideration existing inventories of the Producer, and subject to any limitation contained in Limitation Order L-1-a, or in any other Order or direction issued by the Director of Priorities. If a Producer has sufficient Material to produce the authorized number of Defense Products and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Material.
- (2) By a supplier to obtain Material in excess of the amount necessary to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient Material to enable him to make his rated deliveries and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Materials.
- (3) By a producer or a supplier. (i) Unless the Material to be delivered cannot be obtained when required without such rating,
- (ii) To obtain deliveries earlier than required,
- (iii) To deliveries of Materials on purchase orders placed after November 1, 1941,
- (iv) To deliveries of materials on purchase orders calling for delivery after November 30, 1941.
- (f) False statements and penalties. Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order. or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 89).
- (g) Reports. Each Producer and Supplier who in any month applies the preference rating in the manner herein provided to any deliveries to him, shall, on or before the fifth day of the following month file with the Automotive Branch, Civilian Supply Division, Office of Production Management, Washington, D. C., a report on form to be prescribed by the

Director of Priorities, setting forth the number of items or amount of materials to which the preference rating has been assigned in the preceding month, the stock of such items and amount of such materials on hand, and the number or amount used in production by him during the period from January 1 through June 30, 1941; and such other reports as the Director of Priorities may require.

(h) Revocation or modification. This

(h) Revocation or modification. This Order may be revoked or amended by the Director of Priorities at any time in whole or in part or in its application to any Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked. No additional applications of this rating to any other deliveries shall thereafter be made by any Producer or Supplier affected by said revocation or expiration.

(i) Effective date. This Order shall take effect on the 12th day of September 1941, and unless sooner revoked shall expire on the 30th day of November 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12 day of September 1941.

DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-6915; Filed, September 15, 1941; 11:55 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS
AND PASSENGER CARRIERS

Limitation Order L-1-a to Restrict the Production of Medium Motor Trucks, Truck Trailers, Passenger Carriers and Replacement Parts

Whereas the manufacture of medium motor trucks, truck trailers and passenger carriers requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials. and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of medium motor trucks, truck trailers and passenger carriers is curtailed and the use of critical materials for such manufacture thereby reduced;

Now therefore, it is hereby ordered, that § 976.1 is amended to read as follows:

- § 976.1 General limitation order L-1-a—(a) Definitions. For the purposes of this Order.
- (1) "Medium Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or the chassis, body or cab therefor.
- (2) "Truck-trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.
- (3) "Passenger Carrier" means a complete motor or electric coach for passenger transportation, having a seating capacity of not less than 15 persons, or the chassis or body therefor.
- (4) "Defined Parts" means only the following functional parts (including components entering into such parts) used for the manufacture or repair of heavy trucks, medium trucks, trucktrailers and passenger carriers; engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears, coupling devices; also the exhaust, cooling, fuel and electrical systems, including generators, lights, reflectors and batteries; and, but only as to parts for passenger carriers, heating, ventilating and door-opening equipment.
- (5) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of Motor Trucks, Truck-Trailers, Passenger Carriers or Defined Parts.
- (b) General restriction. During the period commencing September 1, 1941 and ending November 30, 1941:
- (1) A Producer shall not manufacture more than one-half the number of Medium Motor Trucks, Truck-Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941 to June 30, 1941.
- (2) A Producer shall not manufacture, for replacement purposes, more than 60% of that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941 to June 30, 1941.
- (3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941 to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the three-month period, September 1, 1941 to November 30, 1941, shall not apply to any such vehicles or parts produced

under contracts or orders for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

- (iii) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)
- (4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor.
- (c) Records. All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.
- (d) Audit and inspection. All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.
- (e) Reports. All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.
- (f) Violations or false statements. Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

- (g) Appeal. Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Automotive Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.
- (h) Effective date. This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1841, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 5875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 12 day of September 1941.

DONALD M. NELSON,

Director of Priorities.
[F. R. Doc. 41-6916; Filed, September 15, 1941; 11:55 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS
AND PASSENGER CARRIERS

General Limitation Order L-3 To Restrict the Production of Light Motor Trucks

Whereas, the manufacture of light motor trucks requires the utilization of large quantities of copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the current rate of manufacture of light motor trucks is restricted and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered,

- § 976.3 General limitation order L-3—
 (a) Definitions. For the purposes of this Order:
- (1) "Light Motor Truck" means a complete motor truck or truck tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of less than one and one-half tons.
- (2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, en-

gaged in the manufacture of light motor trucks.

- (b) General restrictions. No Producer shall hereafter manufacture Light Motor Trucks in greater numbers than specifically authorized herein or from time to time hereafter by the Director of Priorities.
- (c) Immediate restrictions. During the period commencing August 1, 1941, and ending November 30, 1941, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 28 percent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such four months period in excess of such number.
- (d) Distribution among models, types and series. So far as practicable, each Producer shall distribute his total production of Light Motor Trucks among various models, series, types and price classes of Light Motor Trucks in the same proportion as he maintained on an average for the three model years terminating in 1941.
- (e) Exemption of production of light motor trucks for governmental use. Nothing in this Order shall limit, and each Producer is specifically authorized to manufacture in addition to the number of Light Motor Trucks Authorized above, any number of Light Motor Trucks under specific contracts or orders placed by or for the account of:
- (1) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;
- (2) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;
- (3) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).
- (g) Records. All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.
- (h) Audit and inspection. All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

- (i) Reports. All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.
- (j) Violations or false statements. Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) Appeal. Any Producer affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Priorities by addressing a letter to the Automotive Branch, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Priorities may thereupon take such action

as he deems appropriate.

(1) Effective date. This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of September 1941.

Donald M. Nelson, Director of Priorities.

[F. R. Doc. 41-6913; Filed, September 15, 1941; 11:54 a. m.]

PART 980-RAYON YARN

General Preference Order M-37 To Conserve the Supply and Direct the Distribution of Rayon Yarn

Whereas because of National Defense requirements drastic restrictions have been placed upon deliveries and processing of raw silk, and such restrictions have operated to increase the demand for rayon yarn and thus create a shortage of such yarn; and

Whereas the total output of the rayon yarn industry is at present insufficient to

meet the total of defense needs and existing civilian demand, plus the new civilian demand caused by the substitution of rayon yarn for silk; and

Whereas because of such shortage of rayon yarn, it is necessary and appropriate in the public interest and to promote the national defense to allocate such rayon yarn in the manner and to the extent in this Order provided; and

Whereas the Office of Price Administration and Civilian Supply issued a Civilian Allocation Program for rayon yarn on August 2, 1941, which became effective on August 4, 1941, and has from time to time been modified, and it is advisable to continue and implement said Program as now modified;

Now, therefore, it is hereby ordered, That:

- § 980.1 General preference order—(a) Applicability of Priorities Regulation No. 1. All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order.
- (b) Additional definitions. For the purposes of this Order
- (1) "Rayon yarn" means continuous filament rayon yarn made by the cupraammonium, viscose or acetate process.
- (2) "Producer" means and includes any person who manufactures rayon yarn,
- (c) Directions with respect to residual supply-(1) Rayon yarn produced by the viscose and cupra-ammonium processes. (i) After providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each producer using the viscose or cupra-ammonium processes shall each day hereafter set aside an amount of his rayon yarns so manufactured, of the types set forth in subparagraph (5) below equal to 10% of such producer's total output for that day. In addition, each such producer shall set aside in the month of September an amount of the said rayon yarns of the types set forth below equal to 10% of all stocks of rayon yarn which such producer had on hand on August 4, 1941, together with 10% of such producer's total output of the said rayon yarns during the period from August 4, 1941, to the effective date of this Order, less any amount which has heretofore been sold or disposed of in accordance with the provisions of the allocation program of the Office of Price Administration and Civilian Supply as from time to time heretofore amended.
- (ii) Each such producer shall sell and deliver the amounts so set aside to former users of silk to take the place of silk formerly consumed by them, only as follows:
- (a) 70% of the said amount to manufacturers, jobbers, and converters, for use in making hosiery.
- (b) 15% of said amount to manufacturers, jobbers, and converters, for use in making products other than hosiery.
- (c) 15% of said amount to such persons and in such amounts as the Director

of Priorities shall specify as necessary for the relief of undue hardship.

- (2) Rayon yarn produced by the acetate process. (i) After providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each producer using the acetate process shall each day hereafter set aside an amount of his rayon yarns so manufactured of the types set forth in subparagraph (5) below equal to 3% of such producer's total output for that day. In addition, each such producer shall set aside in the month of September an amount of the said rayon yarns of the types set forth below equal to 3% of all stocks of rayon yarn which such producer had on hand on August 4, 1941, together with 3% of such producer's total output of the said rayon yarns during the period from August 4, 1941, to the effective date of this Order, less any amount which has heretofore been sold or disposed of in accordance with the provisions of the allocation program of the Office of Price Administration and Civilian Supply as from time to time heretofore amended.
- (ii) Each such producer shall sell and deliver the amounts so set aside to former users of silk to take the place of silk formerly used by them, only as follows:
- (a) 50% of the said amount to manufacturers, jobbers, and converters, for use in making products other than hosiery.
- (b) 50% of the said amount to such persons and in such amounts as the Director of Priorities shall specify as necessary for the relief of undue hardship.
- (3) No discrimination in sales. In making sales or deliveries pursuant to subparagraphs (1) (ii) (a), (1) (ii) (b) or (2) (ii) (a) hereof, no producer shall discriminate among persons eligible to purchase such yarns in favor of former customers for rayon yarn.
- (4) No limitation on balance of yarn. After providing for all deliveries under defense orders, and after setting aside the amounts of yarn specified in subparagraphs (1) and (2) hereof, each producer may sell and deliver rayon yarn without limitation.
- (5) Allocation by types. Each producer in complying with subparagraphs (1) and (2) hereof shall set aside for such purposes types of rayon yarn from which it is practical to manufacture hosiery and other products heretofore made largely or wholly from silk. So far as the producer's plant and method of doing business make such a course possible, the amount of rayon yarn so set aside, by types, shall be in denier sizes and lusters in approximate proportion to the general demand therefor by manufacturers of hosiery and by other manufacturers whose products have heretofore been made largely or wholly from silk.
- (6) Doubtful cases. Whenever there is reasonable doubt as to the eligibility of any person to receive rayon yarn hereunder, the matter should be referred to the Division of Priorities for determina-

tion with a statement of all pertinent facts.

- (7) Appeals for relief from hardship. Any person affected by this Order, who considers that exceptional and unreasonable hardship has been imposed upon him thereby, may appeal to the Division of Priorities, by letter or telegram, setting forth the pertinent facts, addressed to the Division of Priorities, Silk Substitution Appeals Section, Office of Production Management, Social Security Building, Washington, D. C. In every case where any such appeal requests delivery of rayon yarn under subparagraphs (1) (ii) (c) or (2) (ii) (b) hereof, it should be accompanied by 2 copies of Form PD 1021 properly filled out and executed. A copy of said form is annexed hereto as Exhibit A.
- (8) Reports. Each producer shall file with the Division of Priorities, Silk Substitution Appeals Section, at the times specified thereon, reports on Forms PD 103 (a), 103 (b), and PD 104, copies of which are annexed hereto as Exhibits B and C.
- (9) No representation as to suitability of any process of rayon manufacture or of rayon yarn for any purpose. Nothing herein contained shall be construed as any representation by the Government as to the suitability or adaptability of rayon yarn manufactured by any process as a substitute for silk in hosiery or in any other product or as to the better suitability therefor of rayon yarn manufactured by any process as compared with such yarn manufactured by any other process.
- (d) Effective date. This Order shall take effect immediately upon issuance thereof and shall expire at midnight on September 30, 1941, unless sooner terminated by direction of the Director of Priorities. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; E.O. 8875, August 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d Sess., as amended by Public No. 89, 77th Congress, 1st Sess.; sec. 9, Public No. 783, 77th Congress, 3d Sess.)

Issued this 13th day of September 1941.

Donald M. Nelson,

Director of Priorities.

F. R. Doc. 41-6911; Filed, September 15, 1941; 11:54 a. m.]

PART 981-PASSENGER AUTOMOBILES

General Limitation Order L-2 to Restrict the Production of Passenger Automo-

Whereas the manufacture of passenger automobiles consumes large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin and tungsten; national defense requirements have created a shortage in these materials for defense, for private account and for export; action has already been taken to

conserve the supply and direct the distribution of each of these materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and assential civilian requirements unless the current rate of manufacture of passenger automobiles is greatly curtailed and consumption of these materials thereby greatly reduced;

Now, therefore, it is hereby ordered,

- § 981.1 General limitation order—
 (a) Definitions. For the purposes of this Order:
- (1) "Passenger Automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by internal combustion engine and having a seating capacity of not more than eight.
- (2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of passenger automobiles.
- (b) General restrictions. No Producer shall hereafter manufacture Passenger Automobiles in greater number than specifically authorized herein or from time to time hereafter by the Director of Priorities.
- (c) Authorized quotas. (1) During the period commencing August 1, 1941, and ending November 30, 1941, Producers shall respectively manufacture not more than the following numbers of Passenger Automobiles:

	Number of passenger
Name of producer:	automobiles
General Motors	361, 815
Chrysler Corporation.	188, 849
Ford Motor Company	
Studebaker	
Hudson	
Nash-Lafayette	
Packard	
Willys-Overland	
Crosley	

- (2) Any Producer for whom this Order does not establish an authorized quota may apply for such authorization to the Automotive Branch, Office of Production Management.
- (d) Distribution among makes. Producers who manufacture more than one make of Passenger Automobile shall select either Option A or Option B listed below, and shall distribute their production of Passenger Automobiles during the period specified above in accordance with the option selected, manufacturing not more than the number of each make of Passenger Automobile specified in the particular option selected:

	Number	Number
	under	under
Name of make:	option A	option B
Chevrolet	187, 821	180, 509
Buick		65, 525
Pontiac		47, 348
Oldsmobile	45,394	46, 964
Cadillac and LaSalle_	_ 10,578	11, 469
Plymouth	100,612	97, 106
Dodge		43, 927
Chrysler		29, 479
DeSoto		18, 337
Ford		130, 101
Mercury	** **	17, 462
Lincoln-Zephyr		4, 282

- (e) Distribution among Models, types and series. So far as practicable, each Producer shall distribute his total production of Passenger Automobiles among various models, series, types and price classes of Passenger Automobiles in the same proportion as he maintained on an average for the three model years terminating in 1941.
- (f) Exemption of production of passenger automobiles for Governmental use. Nothing in this Order shall limit, and each Producer is specifically authorized to manufacture in addition to the quota set forth above, any number of Passenger Automobiles under specific contracts or orders placed by or for the account of:
- (1) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;
- (2) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, and Yuguslavia;
- (3) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).
- (g) Records. All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.
- (h) Audit and inspection. All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.
- (i) Reports. All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.
- (j) Violations or false statements. Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed

¹ Filed as part of the original document.

appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) Effective date. This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of September, 1941.

DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-6912; Filed, September 15, 1941; 11:54 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

Price Schedule No. 9 1—Hides, Kips and Calfskins, is hereby amended by adding thereto two new sections numbered § 1314.7a and § 1314.15, and by amending §§ 1314.10, 1314.11 and 1314.12 to read as follows:

§ 1314.7a Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hides, kips or calfskins, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by upgrading, tyingagreement or other trade understanding, or otherwise. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.10 Definitions. (a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "hides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) The term "domestic" means originating from the continental United States.

(d) .The term "broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of hides, kips or calfskins.

(e) The term "carload" means a shipment of 36,000 pounds.

(f) The term "New York City trim" means the standard trim prevailing in

and about New York City in which the skin has the head cut straight off behind the ears, and the shanks cut off at the knee or above.

(g) The term "Pacific Coast" means the states of California, Washington, Oregon, Arizona, Nevada, Idaho, and Utah, and that part of Montana, Wyoming, Colorado, and New Mexico west of Denver, Colorado.

(h) The term "Pacific Coast Trimmed" means the standard short trim prevailing in the Pacific Coast.

(i) All other trade terms used in this Schedule shall have the meanings generally accepted in the trade. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.11 Appendix A, maximum prices for domestic hides—(a) Packer classifications sold on a selected basis.

STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

Price per lb., f. o. b. Chicago, freight equalized 1

		-
	No. 1's	No. 2's
Native Steers, heavy and light	80.151/4	\$0.141/2
Native Steers, extreme light	φυ. 10/2	Φ0. 14 /2
(23 to 48 lbs.)	. 151/2	. 141/2
Heavy Native Cows (53 lbs.	2000	(1)000000
and up) Light Native Cows (less	. 151/2	. 141/2
than 53 lbs.)	. 151/2	.141/2
Butt Branded Steers	. 141/2	. 131/2
Texas Steers, heavy and light	141/	101/
Texas Steers, extreme light	. 141/2	.131/2
(23 to 48 lbs.)	. 15	.14
Colorado Steers	. 14	. 13
Branded Cows	. 141/2	.131/2
Native Bulls	. 12	.11
Branded Bulls	.11	. 10
The state of the s		

Packer classifications of hides which fail to meet present generally accepted standards of selection, trim, tare allowance or delivery shall be sold at a price less than the applicable maximum price set forth above

(b) Hides other than packer classifications sold on an unselected basis.

> Price per lb., f.o.b. Chicago, freight equalized 1

Free of Brand Steers and	memoca Un	eri ellellecte
Cows	80.15	80. 14%
Branded Steers and Cows	. 141/2	.14
Free of Brand Bulls	. 111/2	.11
Branded Bulls	. 101/2	.10

PREMIUM FOR HIDES OTHER THAN PACKER
CLASSIFICATIONS SOLD ON A SELECTED

A seller who does not grade his hides according to packer classifications but allows a one cent per pound discount for No. 2's may charge a premium of onehalf cent per pound over the maximum

¹ The term "F.O.B. Chicago, Freight Equalized" used in this Schedule has the meaning generally accepted in the industry, to wit: The maximum price F.O.B. Chicago, Freight Equalized, which a purchaser may pay under this Schedule shall not exceed the maximum price set forth above plus either (a) freight from Chicago to destination or (b) freight from shipping point to destination, whichever is less; except that on shipments by sellers from points located east of Chicago, Illinois, the maximum price is F.O.B. shipping point.

prices set forth above for hides other than packer classifications.

Tare allowance. A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.12 Appendix B, maximum prices for domestic kips and calfskins—
(a) (1) Packer calf and kip skins sold on a selected basis.

NO. 1 SELECTION, STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

Price per lb., f. o. b. Chicago, freight equalized 1 Chicago Packer Heavy North-
ern (9½-15 lbs.) \$0.27
Chicago Packer Lights (less
than 9½ 1bs.)23½
Packer Kips, No. 1 Northern
Native (15-25 lbs.)20
Packer Kips, No. 1 Northern
Overweight, (Kips over 25
lbs.)
Slunks, regular 1.10 each, flat
Slunks, hairless55 each, flat
The term "F. O. B. Chicago, Freight
Equalized" shall have the same meaning as
that not south to by

(2) Chicago city calf and kip skins sold on a selected basis.

that set forth in Note 1 to Appendix A.

NO. 1 SELECTION, STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

Price per lb. shipping p	point
Chicago City (10 to 15 lbs.)	\$0.23
Chicago City (8 to 10 lbs.)	. 201/2
Chicago City Native Kips (15-25	
lbs.)	. 18
Chicago City Branded Kips	. 17
Chicago City Overweight Kips (Kips over 25 lbs.)	.17

Prices per skin, f. o. b. shipping point

Chicago City (less than 8 lbs.) _____ \$1.43

(3) New York City packer and collector calf and kip skins sold on a selected basis.

NO. 1 SELECTION, NEW YORK CITY TRIM— STANDARD TARE ALLOWANCE AND DELIV-

BRX	
Price per ski	n.
f. o. b. shipping	point
New York Packer (3 to 4 lbs.)	\$1.25
New York Packer (4 to 5 lbs.)	1.40
New York Packer (5 to 7 lbs.)	1.80
New York Packer (7 to 9 lbs.)	2.80
New York Packer (9 to 12 lbs.)	3.80
New York Packer (12 to 17 lbs.)	4.20
New York Packer (17 lbs. or more)	4.60
New York Collector (3 to 4 lbs.)	1.15
New York Collector (4 to 5 lbs.)	1.30
New York Collector (5 to 7 lbs.)	1.65
New York Collector (7 to 9 lbs.)	2.60
New York Collector (9 to 12 lbs.)	3.55
New York Collector (12 to 17 lbs.)	3.95
New York Collector (17 lbs. or more)	4 25

Calf and Kip skins of the classifications set forth above which fail to meet present generally accepted standards of selection, trim, tare allowance or delivery, shall be sold at a price less than the applicable maximum price set forth above.

Maximum prices for No. 2's. The maximum price for No. 2 Calf and Kip skins of the classifications set forth above

¹⁶ F.R. 2909.

shall not exceed the maximum price for each such classification reduced by a discount of 10%.

(b) Country calf and kip skins.

Price, flat for No. 1's and No. 2's, per lb. f. o. b. shipping point Country Calf (10 lbs. and down) _____ \$0.16

(c) Pacific coast calf and kip skins."

STANDARD TARE ALLOWANCE AND DELIVERY

f. o. b. shipping point

Pacific Coast Kips (15 lbs. or more) 80. 191/4
Pacific Coast New York City Trimmed
Kips (15 lbs. or more) 21 Pacific Coast Trimmed Calf (6 to 13 Ibs.) Pacific Coast Trimmed Calf (13 to 15 lbs.)_____

Price per skin f.o.b. shipping point Pacific Coast Calf (less than 6 lbs.) ____ \$1.25

Pacific Coast Calf and Kip skins which fail to meet present generally accepted

standards of tare allowance or delivery shall be sold at a price less than the applicable maximum price set forth above. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.15 Effective date of this amendment. This amendment (§§ 1314.7a, 1314.10, 1314.11, and 1314.12) shall become effective September 13, 1941: Provided, however, That firm commitments entered into prior to September 13, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices heretofore established by Price Schedule No. 9, but higher than any maximum price established by this amendment thereto, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before November 15, 1941. (Executive Order No. 8734, 6 F.R. 1917)

Issued this 12 day of September 1941.

LEON HENDERSON, Administrator.

[F. R. Doc. 41-6871; Filed, September 12, 1941, 3:21 p. m.]

CHAPTER XII-FEDERAL WORKS ADMINISTRATOR

PART 1201-DISCRIMINATION IN DEFENSE HOUSING OR DEFENSE PUBLIC WORKS

AMENDMENT TO REGULATION, DATED JANUARY 6, 1941, PROVIDING AGAINST DISCRIMINA-TION IN WORK ON DEFENSE HOUSING, TO PROVIDE AGAINST DISCRIMINATION IN WORK ON DEFENSE PUBLIC WORKS

The Regulation providing against discrimination in work on defense housing,

dated January 6, 1941 (6 F.R. 196), is hereby amended to read as follows:

§ 1201.1 Prohibiting discrimination in employment. There shall be no discrimination by reason of race, creed, color, national origin or political affiliations in the employment of persons, qualified by training and experience, for work in the development of defense housing or defense public works at the sites thereof. (Sec. 308, Public No. 849, 76th Congress, as amended by Public No. 42 and Public No. 137, 77th Congress.)

In testimony whereof, I have hereunto set my hand and official seal in the city of Washington this 11th day of September 1941.

[SEAL]

JOHN N. EDY, Acting Administrator.

[F. R. Doc. 41-6880; Filed, September 15, 1941; 9:34 a. m.]

PART 1201-DISCRIMINATION IN DEFENSE HOUSING OR DEFENSE PUBLIC WORKS

SUPPLEMENT TO REGULATION, DATED MARCH 4, 1941, PROVIDING AGAINST DISCRIMINA-TION IN WORK ON DEFENSE HOUSING, TO PROVIDE AGAINST DISCRIMINATION IN WORK ON DEFENSE PUBLIC WORKS

Part 1201 is amended by adding the following new section:

§ 1201.3 Negro labor and defense public works. In order to ascertain compliance, in respect to Negro labor, with § 1201.1, providing against discrimination in work on defense housing or defense public works, it is requested that:

- (a) Contracting officers in charge of the development of defense public works undertaken, and public and private agencies to which loans or grants are made for defense public works, pursuant to the Act of October 14, 1940 (Public No. 849, 76th Congress), as amended by the Act of April 29, 1941 (Public No. 42, 77th Congress) and by the Act of June 28, 1941 (Public No. 137, 77th Congress), shall after the effective date of this section:
- (1) Submit to each contractor engaged in constructing any such defense public works, the percentage of Negro skilled and unskilled labor in the locality of the project, as reflected by the Federal census and other relevant data, as determined by the Director of the Defense Public Works Division.
- (2) Require each contractor engaged in constructing any such defense public works to indicate by notation (W for Non-Negro, N for Negro) on pay-roll forms required to be submitted to the Government, or to such public or private agencies, the race of each laborer, skilled or unskilled, listed on such payroll forms;
- (3) Ascertain and report to the Director of the Defense Public Works Division at the end of each 4-week period of such construction, the respective amounts paid by each such contractor during such period as wages, for work in the develop-

ment of defense public works at the sites thereof to (i) Non-Negro skilled labor (irrespective of individual trades); (ii) Negro skilled labor (irrespective of individual trades); (iii) Non-Negro unskilled labor; and (iv) Negro unskilled labor.

- (b) If the percentages, of the total amounts so paid for all skilled labor and for all unskilled labor, that are paid, respectively, to Negro skilled and unskilled labor approximate the respective percentages of Negro skilled and unskilled laborers in the locality (as submitted to the contractor by the contracting officer or by the public or private agency), there shall be deemed to be prima facie evidence that the contractor is not discriminating against Negro labor. Otherwise, or if any contractor shall fail or refuse to make the payroll notations hereinabove referred to, the contracting officer (as to defense public works constructed pursuant to sub-paragraph (b) of section 202 of said Act of October 14, 1940, as amended) or the public or private agency (as to defense public works for which loans or grants have been made pursuant to sub-paragraph (c) of section 202 of said Act of October 14, 1940. as amended) shall investigate and report the reasons therefor to Director of the Defense Public Works Division.
- (c) Copies of this section shall be distributed to all contractors engaged in the development of defense public works under the aforesaid Act of October 14, 1940, as amended by said Act of April 29, 1941, and by said Act of June 28, 1941.

(d) As used in this section, the term "contractor" includes subcontractors. (Sec. 308, Public No. 849, 76th Congress, as amended by Public No. 42 and Public No. 137, 77th Congress.)

In testimony whereof, I have hereunto set my hand and official seal in the city of Washington this 11th day of September, 1941.

[SEAL]

JOHN N. EDY. Acting Administrator.

(F. R. Doc. 41-6881; Filed, September 15, 1941; 9:34 a. m.]

TITLE 38-PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I-VETERANS' ADMINIS-TRATION

PART 3-ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1300 Military and naval retirement pay. Disability compensation or pension may not be awarded to a veteran for any period during which he receives retirement pay or retainer pay as a member of the Fleet Reserve or, if an officer or enlisted man on the retired lists of the Navy or Marine Corps or an officer on the retired list of the Army, for any period during which he retains his retired status with the military or naval services. However, on and after June 30, 1941, an enlisted man of the regular Army or of the Philippine Scouts on the retired list

² The maximum price of any calfskin originating in the Pacific Coast, but not Pacific Coast trimmed, shall not exceed 80 per cent of the maximum price set forth above for Pacific Coast trimmed calf of corresponding weight except that (1) in the case of skins weighing less than six pounds, the maximum price of \$1.25 per skin shall apply to both trimmed and untrimmed skins, and (2) New York City trimmed calfskins originating in the Pacific Coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York Collector skins.

who is eligible to receive pension or compension under the laws administered by the Veterans' Administration, if he were not receiving retired pay, may waive receipt of retired pay and allowances for the purpose of receiving such pension or compensation; and thereafter such retired enlisted man may waive receipt of such pension or compensation for the purpose of receiving retired pay and allowances. To prevent concurrent payments, when waiver of receipt of retired pay and allowances for the purpose of receiving pension or compensation is filed in the War Department that Department shall notify the Veterans' Administration of the receipt of such waiver and the effective date of the stoppage of retired pay and allowances. Similar report to the War Department shall be rendered by the Veterans' Administration when waiver of receipt of pension or compensation is filed in the Veterans' Administration for the purpose of receiving retired pay and allowances. (Section 4. Public No. 140, 77th Congress.) Where a claim for disability compensation or pension is filed by a retired officer or enlisted man, such claim will be fully developed and adjudicated to the point where it may be ascertained what pecuniary benefits are payable. The applicant will be duly informed of the amount of compensation or pension which would be payable except for his retirement status and instructed to notify the Veterans' Administration and the proper service department whether he desires, if an officer or enlisted man on the retired lists of the Navy or Marine Corps or an officer on the retired list of the Army, that his retired status be terminated and, if a retired enlisted man of the regular Army or of the Philippine Scouts, whether he desires to waive retired pay and allowances. Upon receipt of notice from the respective service department of the termination or waiver of the retired status compensation or pension otherwise payable may be awarded from the date following the termination or suspension of the retired status. In all instances, including the claims of Philippine Scouts, where retirement pay has heretofore been terminated by the appropriate service department upon the basis of a waiver or otherwise and compensation or pension has been awarded it will be considered that the veteran's retirement status was properly terminated and that the veteran had elected to receive compensation or pension and the awards will be continued. (Comp. Gen. Dec. A-25279, dated 6-28-29, 7-25-40, and 12-6-40) (September 15, 1941) [Sec. 4, Pub. No. 140, 77th Cong.] FRANK T. HINES.

Administrator.
[F. R. Doc. 41-6900; Filed, September 15, 1941; 11:28 a. m.]

Notices

WAR DEPARTMENT.

[Change Order No. B; 7/11/41]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR CONSTRUCTION

CONTRACTOR: FRASER-BRACE ENGINEERING CO., INC., NEW YORK, N. Y.

Summary of change order 1 to Cost-Plus-a-Fixed-Fee Contract No. W 6977. qm-1,3 Dated October 29, 1940, published in Federal Register January 28, 1941, (collateral to Contract No. W-ORD-482, dated October 23, 1940, between The United States of America and Atlas Powder Company, as amended and modified by Supplemental Contract W-ORD-482 Supp. 1, dated May 29, 1941) between the United States of America and Fraser-Brace Engineering Company, Inc., New York, New York, for the construction of and equipment of a plant for the manufacture of TNT and DNT at Weldon Springs, Missouri.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Provide the necessary Design, Engineering and Construction services incident to the following changes in the work:

Add to the description of the work now set forth under Article I of the principal contract, as modified and amended, the construction of additional utilities.

Omit from the description now set forth under Article I of the principal contract, as modified and amended, the construction of * * *. (The work herein is not considered a material change in the scope of the work under the original contract and, therefore, no adjustment in the fixed-fee is allowed on this work.)

The above will result in a net increase in the estimated construction cost and Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by \$1,150,000 Total estimated cost (after deductions, indicated above)

ductions, indicated above) including this change order__ 25, 859, 470
Total fixed-fee including this change order____ 746, 290
Contractor's fixed-fee_____ No change

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6882; Filed, September 15, 1941; 9:36 a. m.]

[Contract No. W-ORD-520]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUC-TION AND OPERATION CONTRACT

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract 1 for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of trinitrotoluene.

Place: Near Chattanooga, Tennessee.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: \$27,494,932.00.

Fixed-fee for management service under Title I: \$115,480.00.

Estimated cost of procuring equipment under Title II: \$9,664,800.00.

Fixed-fee for procuring equipment under Title II: \$1.00.

Estimated cost of training key personnel under Title III (optional): \$375,000.00.

Fixed-fee for training key personnel under Title III: \$1.00.

Estimated cost of operation under Title IV (optional): \$11,400,000.00.

Fixed-fee for operation under Title IV: \$ * * * per lb. of TNT.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27,037 P99 A0141-02 ORD 27,035 P99 A0141-02 ORD 50,185 P510-31 A0025-13 ORD 50,186 P531-32 A0025-13

This contract, entered into this 1st day of August 1941.

TITLE I-Management Service

ARTICLE I.A. Description of new ordnance facility. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Volunteer Ordnance Works, shall comprise a plant at or near Chattanooga, Tennessee, upon a site to be furnished and made available by the Government, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT").

ART. I-B. Statement of work. 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all

¹Approved by the Under Secretary of War July 30, 1941. ²6 F.R. 630.

¹ Approved by the Under Secretary of War, August 19, 1941.

things necessary for the completion of a Plant of the type and capacity described in Article I-A hereof.

- In the performance of the work described in Section 1 of this Article I-B, the Contractor shall:
- a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equipand maintain adequate guard and fire fighting forces.
- b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.
- 4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I-C. Estimates. 1. It is estimated that the total cost of the work under this Title I will be approximately Twenty-Seven Million Four Hundred Ninety-Four Thousand Nine Hundred Thirty-Two Dollars (\$27,494,932.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. Consideration. As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one hundred fifteen thousand four hundred eighty dollars (\$115,480.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—Procurement of Production Equipment

ART. II-A. Statement of work. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to

the procurement of the production equipment required, by subcontract or otherwise.

ART. II-B. Estimates. It is estimated that the total cost under this Title II will be approximately nine million six hundred sixty-four thousand eight hundred dollars (\$9,664,800.00) exclusive of the Contractor's fee.

ART. II-C. Consideration. As consideration for its undertaking under this Title II the Contractor shall receive the following:

- 1. Reimbursement for expenditures as provided in Title V.
- 2. A fixed-fee in the amount of one dollar (\$1.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE III—Training of Key Personnel (Optional)

ART. III-A. Statement of work. The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at Ordnance establishments, or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV-A of Title IV.

ART. III-B. Estimate. It is estimated that the cost of the work under this Title III will be approximately three hundred seventy-five thousand dollars (\$375,-000.00), exclusive of the Contractor's fee.

ART. III-C. Consideration. As consideration for its undertaking under this Title III the Contractor shall receive the following:

- 1. Reimbursement for expenditures as provided in Title V.
- 2. A fixed-fee of one dollar (\$1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—Operation of Plant (Optional)

ART. IV-A. Statement of work. 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in Section 1 of Article III-A of Title III and receipt within * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for

the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

- 3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the production of an initial quantity of " pounds of TNT; it being estimated that said initial quantity shall be equivalent to approximately " months operation of the Plant.
- 4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 3 next above. the Government may, at its option, authorize the continued operation of the Plant for the manufacture of an additional quantity of * * * pounds of TNT, and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixedfee for such additional operation, which fee shall be that provided in Section 2 of Article IV-C, hereof).

ART. IV-B. Estimates. It is estimated that the cost of the work under this Title IV will be eleven million four hundred thousand dollars (\$11,400,000.00). exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV-A hereof, and exclusive of the Contractor's fee.

ART. IV-C. Consideration. As consideration for its undertaking under this Title IV the Contractor shall receive the following:

 Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under Article IV-A hereof of * * * per pound of TNT, manufactured hereunder and accepted by the Government, which fee shall constitute complete compensation for Contractor's services.

Title V—Cost of the Work and Payment Therefor

ART. V-A. Reimbursement for contractor's expenditures. 1. The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

ART. V-B. Payments-Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V-A of this Title V upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph a of Section 1 shall be subject to the provisions of Article V-C.

Payment of the fixed-jees. a. The fixed-fee provided for in Article I-D of Title I shall be paid in partial payments, less ten percent (10%) of each such par-

tial payment as it accrues.

b. The fixed-fee of one dollar (\$1.00) provided for in Article II—C shall be paid upon the completion of the work provided provided therein.

c. The fixed-fee of one dollar (\$1.00) provided for in Article III-C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixedfee provided for in Article IV-C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Sections 3 and 4, respectively of Article IV-A of Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V-C. Advances. 1. At any time, and from time to time, after the execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI-Termination

ART. VI-A. Termination by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII-General

ART. VII-B. Changes. The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue ad-

ditional instructions, require additional work, or direct the omission of work covered by the contract.

ered by the contract.

ART. VII-C. Title. The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK, Major, Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6883; Filed, September 15, 1941; 9:36 a. m.]

[Contract No. W-ORD-524]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of anhydrous ammonia.

Place: Louisiana, Mo.

Estimated Cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: \$9.222.452.00.

Fixed-Fee for management service under Title I: \$100,000.00.

Estimated Cost of procuring equipment under Title II: \$8,534,800.00.

Fixed-Fee for procuring equipment under Title II: \$2,000.00.

Estimated Cost of Training Key Personnel under Title III: (Optional): \$220.440.00.

Fixed-Fee for Training Key Personnel under Title III: \$1.00.

Estimated Cost of operation under Title IV (Optional): \$1,865,640.00.

Fixed-Fee for operation under Title IV: \$ * * per ton.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient

to cover the cost of the same: ORD 50193 P510-31 A 0025-13, ORD 50194 P540-30 A 0025-13, ORD 27040 P-99 A 0141-02, ORD 27041 P-99 A 0141-02.

This contract, entered into this 1st day of August, 1941.

TITLE I-Management Service

ARTICLE I-A. Description of new ordnance facility. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Missouri Ordnance Works, shall comprise a plant at or near Louisiana, Mo. upon a site to be furnished and made available by the Government, for the manufacture of anhydrous ammonia.

ART. I-B. Statement of work. 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I-A hereof.

2. In the performance of the work described in Section 1 of this Article I-B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design and engineering and for the construction (including the installation of production equipment) of the Plant, with Subcontractors selected by the Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches and othe available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I-C. Estimates. It is estimated that the total cost of the work under this Title I will be approximately nine million two hundred twenty two thousand four hundred fifty two dollars (\$9,222,452.00), including the cost of all subcontracts but

¹ Approved by the Under Secretary of War August 19, 1941.

excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. Consideration. As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one hundred thousand dollars (\$100,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE H—Procurement of Production Equipment

ART. II-A. Statement of work. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. II-B. Estimates. It is estimated that the total cost under this Title II will be approximately eight million five hundred thirty four thousand eight hundred dollars (\$8,534,800.00), exclusive of the Contractor's fee.

ART. II-C. Consideration. As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as

provided in Title V.

2. A fixed-fee in the amount of two thousand dollars (\$2,000.00), which shall constitute complete compensation for the Contractor's services.

TITLE III—Training of Key Personnel (Optional)

ART. III-A. Statement of work. The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV-A of Title IV.

ART. III-B. Estimate. It is estimated that the cost of the work under this Title III will be approximately two hundred twenty thousand four hundred forty dollars (\$220,440.00), exclusive of the Contractor's fee.

ART. III-C. Consideration. As consideration for its undertaking under this

Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar (\$1.00), which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—Operation of Plant (Optional)

ART. IV-A. Statement of work. 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in Section 1 or Article III-A of Title III and receipt within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice. and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of * * * net tons of anhydrous ammonia which it is estimated will require * * months after the commencement of operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional anhydrous ammonia as the Government may desire within the capacity of the Plant for an additional period * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in Section 3 of Article IV-C, hereof).

ART. IV-B. Estimates. It is estimated that the cost of the work under this Title IV will be one million eight hundred sixty-five thousand six hundred forty dollars

(\$1.865.640.00), exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV-a hereof, and exclusive of the Contractor's fee.

ART. IV-C. Consideration. As consideration for its undertaking under this Title IV the Contractor shall receive the following:

 Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for operation provided in Section 3 of Article IV-A of this Title IV of * * per ton on the initial quantity of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation (except for continued operation) for Contractor's services

3. A fixed-fee for continued operation provided in Section 4 of Article IV-A of this Title IV of * * * per ton of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.

TITLE V—Cost of the Work and Payment Therefor

ART. V-A. Reimbursement for contractor's expenditures. The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

Payments - Reimburse-ART. V-B. ment for cost. 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V-A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this Paragraph a of Section 1 shall be subject to the provisions of Article V-C.

Payment of the fixed-fees. 2. a. The fixed-fee provided for in Article I-D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

b. The fixed-fee provided for in Article II-C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

c. The fixed-fee of one dollar (\$1.00) provided for in Article III-C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixedfee provided for in Article IV-C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Sections 3 and 4 respectively of Article IV-A of Title IV, the Government shall pay to the Contractor, the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V-C. Advances. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—Termination of Contract: Disposition of Plant

ART. VI-A. Termination by government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

ART. VI-B. Disposition of plant. 2. At any time within * * * years after the completion of the entire Plant, and its acceptance by the Government, the Contractor shall have the right and option, to be exercised by written notice from the Contractor to the Contracting Officer, to purchase the Plant (including land and easements acquired in connection therewith).

6. In the event that the Contractor shall purchase the Plant under the terms of this Article VI-B, the Contractor agrees that so long as and to the extent that it owns and operates said Plant for the manufacture of ammonia, it will make such Plant available under the Contractor's management for the Government during any amergency that may arise, upon terms to be negotiated.

TITLE VII-General

ART. VII-C. Changes. The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII-D. Title. The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed

under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Cong.), and the Act of June 30, 1941 (Public No. 139, 77th Cong.).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6885; Filed, September 15, 1941; 9:39 a. m.]

[Contract No. W-670-ORD-1763]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: TRIUMPH EXPLOSIVES, INC., ELKTON, MARYLAND

Contract for: * * * Bomb, * * * Amount: \$1,375,810.38.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Penna.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,205 P11-02A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 2d day of August 1941.

Scope of this contract. The contractor shall furnish * * * Bomb, * * * for the consideration stated one million, three hundred seventy-five thousand, eight hundred ten dollars and thirty-eight cents (\$1,375,810.38) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed

either \$1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

The Act of July 2, 1940 (Public Number 703, 76th Congress), as continued in effect by The Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6884; Filed, September 15, 1941; 9:38 a. m.]

[Contract No. W 669 qm-12765; O. I. No. 378]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. L. STIFEL & SONS, INC., WHEELING, WEST VIRGINIA

Contract for: Cloth, Cotton, Herringbone Twill.

Amount: \$1,388,940.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-ninth day of July 1941.

Scope of this contract. The contrac-

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Herringbone Twill, for the consideration stated totaling one million three hundred eighty-eight thousand nine hundred forty dollars (\$1,388,940.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein specified. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery

¹ Approved by Chief of Ordnance August 22, 1941.

of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-0240 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-19 (42).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6886; Filed, September 15, 1941; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1833-FD]

IN THE MATTER OF RYAN & BENSON FUEL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7951, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the respondent in the above-entitled matter, Ryan & Benson Fuel Corporation, Registered Distributor, Registration No. 7951, whose address is 2701 Falls Road, Baltimore, Maryland, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated April 14, 1939, executed by the respondent pursuant to section 4 II (h) of the Act and subject to the Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the period from October 1, 1940 to July 31, 1941, both dates inclu-

sive, the respondent purchased various sizes of coal in substantial quantities, and secured, accepted, and retained distributor's discounts thereon from code member producers, which coal he resold to the Ryan & Benson Fuel Corporation, a retailer of Baltimore, Maryland, under whose control, financially or otherwise, said respondent was, in violation of paragraph (d) of the Agreement, and § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. The transactions referred to in paragraph 2 hereof rendered no service of value to said code member vendors, the resales to the Ryan & Benson Fuel Corporation having been entered into primarily for the purpose of unjustly enriching the respondent, and the acceptance of such discounts as a distributor was in violation of paragraph (g) of the Agreement.

4. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal dated April 14, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Ryan & Benson Fuel Corporation, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement and contrary to \$304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on October 6, 1941 at 10 a.m. at a hearing room of the Bituminous Coal Division at the National Labor Relations Board, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed

with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent falling to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41–6889; Filed, September 15, 1941; 10:08 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAW-MUT COAL COMPANY, REGISTERED DIS-TRIBUTOR, REGISTRATION NO. 7349, DE-PENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on September 15, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division, at the County Court House, Kittanning, Pennsylvania; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 10 o'clock in the forenoon of October 7, 1941 at a hearing room and place to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6890; Filed, September 15, 1941; 10:08 a. m.]

[Docket Nos. 1681-FD, 1682-FD]

IN THE MATTER OF A. E. BONDS AND C. T. NORMAN, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings at 10 o'clock in the forenoon of October 6, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered. That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be

hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director,

[F. R. Doc. 41-6891; Filed, September 15, 1941; 10:08 a. m.]

[Docket Nos. 1683-FD, 1684-FD]

IN THE MATTER OF ED. SHEELOR AND DAISY CITY COAL COMPANY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 7, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6892; Filed, September 15 1941; 10:08 a, m.]

[Docket Nos. 1685-FD, 1686-FD, 1687-FD]

IN THE MATTER OF K. D. ABNEY, J. W. BENNETT, AND LONG & EARLY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings at 10 o'clock in the forenoon of October 8, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6893; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. 1718-FD]

IN THE MATTER OF RICHARD ALMOND AND GEORGE GALBAVY, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been scheduled for a hearing at 10 o'clock in the forenoon of September 22, 1941, at a hearing room of the Bituminous Coal Division at the Post Office Building, Havre, Montana; and

It appearing to the Director that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6894; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. A-767]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 211 OF VERA POCAHONTAS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CORRECTING ERROR IN TRANSCRIPT OF HEARING

The original petitioner herein filed a motion stating that the transcript of the hearing in this proceeding erroneously failed to show that its Exhibit No. 6, entitled "Listed below are the names and addresses of customers who will not purchase Vera #3 at the prices established," was introduced in evidence and requesting that the transcript be corrected in this respect.

As it appears that this omission is in fact an error;

It is, therefore, ordered, That the transcript of the hearing in the above proceeding be and it is hereby corrected to show that petitioner's Exhibit No. 6, described above, was received in evidence without objection.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6895; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. 1607-FD]

IN THE MATTER OF WHITE OAK COAL COM-PANY, REGISTERED DISTRIBUTOR, REGIS-TRATION NO. 9662, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

An Order having been entered in the above-entitled matter dated July 24, 1941, suspending the registration of the defendant, White Oak Coal Company, as a distributor, Registration No. 9662, for a period of 30 days from the date of service thereof upon said defendant; and

Said order having been duly served upon said defendant on July 30, 1941; and

The White Oak Coal Company, defendant herein, having duly filed with the Division on August 20, 1941, an affidavit dated August 19, 1941, pursuant to Section 304.15 of the Rules and Regula-

tions for the Registration of Distributors, and having thereafter duly filed with the Division on September 12, 1941, a supplemental affidavit dated September 6, 1941, pursuant to the provisions of said Order dated July 24, 1941; and

It appearing to the Acting Director that said affidavits of the White Oak Coal Company sufficiently comply with the provisions of Section 304.15 of the Rules and Regulations for the Registration of Distributors and said Order dated July 24, 1941.

Now, therefore, it is ordered, That the registration of the White Oak Coal Company be and it hereby is reinstated.

Dated: September 13, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-6897; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. A-1026]

PETITION OF DISTRICT BOARD NO. 12 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY TRUCK, PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the abovenamed party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 12 for revision of the effective minimum prices for the coals, for shipment by truck, produced at the mines of certain code members in District No. 12; and, more particularly, for: (1) a decrease of one cent per net ton in the effective minimum prices for the coals in Size Groups 1 through 7 and 9 and an increase of nine cents per net ton in such prices for the coals in Size Group 8, produced at Mine Index Nos. 243 and 453 in production group 1; (2) an increase in such prices of four cents per net ton for the coals in Size Groups 1 through 7 and 9 and an increase of nine cents per net ton for the coals in Size Group 8 produced at Mine Index No. 325 in production group 1; (3) a decrease of fifteen cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index Nos. 249, 527 and 549 in production group 1-A; (4) a decrease of ten cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index Nos. 358, 375, 377, 569, 589 and 637 in production group 1-A; (5) a decrease of eight cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 and an increase of two cents per net ton in such prices for the coals in Size Group 8 produced at Mine Index No. 399 in production group 1-A-such revisions to compensate for a minimum price reduction now temporarily effective for competing code members in Putnam County, Missouri, pursuant to an Order entered December 7, 1940, in Docket No. A-179; also for (6) a decrease of ten cents per net ton in the effective minimum prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index No. 612 in production group 2, for (7) a decrease of five cents per net ton in such prices for the coals in Size Groups 8 and 9 produced at Mine Index No. 718 in production group 9; and for (8) a decrease of three cents per net ton in such prices for the coals in Size Groups

1 through 9 inclusive produced at Mine Index No. 741 in production group 15—such modifications to compensate for disadvantageous factors & the locations of Mine Index Nos. 612, 718 and 741 as compared with the locations of competing mines in their respective production groups.

Dated: September 12, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6896; Filed, September 15, 1941; 10:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARN-ERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 15, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUM-BER OF LEARNERS—LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Bell Box Company, Inc., 10th and Dakota Avenue, Sioux Falls, South Dakota; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 15, 1942.

Didio Brothers Cut Glass Company, 320 North Division Street, Buffalo, New York; Cut Glass such as Stemware and Flatware for Home Consumption; 3 learners; 320 hours for any one learner; 25 cents per hour; Glass cutter, Engraver; November 24, 1941.

Dust Proof Mattress Cover Company, 530 Fernando Street, Pittsburgh, Pennsylvania; Mattress covers and Ironing board covers; 2 learners; 4 weeks for any

one learner; 25 cents per hour; Sewing machine operator; October 27, 1941.

Green Mt. Broom Company, 96 Grand Avenue, Swanton, Vermont; Brooms; 1 learner; 4 weeks for any one learner; 25 cents per hour; Broom winder, October 27, 1941.

Harfilms, Inc., 600 Baronne Street, New Orleans, Louisiana; Motion Pictures; 1 learner; 4 weeks for any one learner; 25 cents per hour; Laboratory Man; December 22, 1941. Lyndon Broom Company, Lyndon,

Lyndon Broom Company, Lyndon, Kansas, Brooms; 5 learners; 4 weeks for any one learner; 25 cents per hour; Winder; October 27, 1941.

Sloan Electric Company, 529 Broad Street, Chattanooga, Tennessee; Automotive Electrical Service; 1 learner; 480 hours for any one learner; 25 cents per hour; Auto Electrician; December 22, 1941.

Standard Shade Pull Manufacturers, 2587 W. North Avenue, Chicago, Illinois; Window Shade Pulls; 8 learners; 6 weeks for any one learner; 30 cents per hour; Shade pull machine operator; November 10, 1941.

Marjorie Symington, 528 N. Atlantic, Monterey Park, California; Decorators of glassware; 2 learners; 192 hours for any one learner; 25 cents per hour; Cutter, Sandblaster; October 27, 1941.

Wangerin Organ Company, 2330, S. Burrell Street, Milwaukee, Wisconsin; Pipe Organs; 2 learners; 12 weeks for any one learner; 25 cents per hour; Electric Contact Maker; December 22, 1941.

Warren Lamp Company, Central Avenue, Warren, Pennsylvania; Incandescent Lamp Bulbs; 5 learners; 4 weeks for any one learner; 25 cents per hour; Stem Maker, Inserter, Mounter, Sealer, Finisher, Exhauster, March 15, 1942.

H. N. Heusner and Son, 228 High Street, Hanover, Pennsylvania; Cigars; 6 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

H. L. Neff and Company, Charles Street, Red Lion, Pennsylvania; Cigars; 4 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

J. C. Winter and Company, Red Lion, Pennsylvania; Cigars; 14 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

Collette Maffufacturing Company, Santurce, Puerto Rico; Hairnet Industry; 27 learners; Spooling—15¢ an hour for the first 480 hours; 22½¢ an hour for the second 480 hours, and 25¢ an hour for every hour thereafter; Covering elastics—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; Warping—15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours,

and 25¢ an hour for every hour thereafter; Knitting—15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter; Machine Knotting—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; Machine Clipping—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, 22½¢ an hour for every hour thereafter. This Certificate effective June 16, 1941 for 6 months thereafter.

Puerto Rico Mills, Inc., Puerta de Tierra, P. R.; Hosiery Industry; Full Fashioned Hosiery; 74 learners; Legging — Seaming — Looping — Topping — Footing—Winding—10¢ an hour for the first 480 hours; 12½¢ an hour for the second 480 hours; 15¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter; Final Inspection—Foot Inspection—Leg Inspection—12½¢ an hour for the first 480 hours; 18¾¢ an hour for the second 480 hours; and 25¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter; effective July 1, 1941 and six months thereafter.

Porto Rican American Button Company, Inc., Santurce, P. R.; Ocean Pearl Button Industry in P. R.; 3 learners in Sorting and Classifying at 16¢ an hour for 320 hours; effective July 1, 1941, for three months thereafter.

Signed at Washington, D. C., this 15th day of September 1941.

MERLE D. VINCENT, Authorized Representative of the Administrator.

[F. R. Doc. 41-6906; Filed, September 15, 1941; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARN-ERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530),

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 15, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EXPIRA-TION DATE

Atco Garment Company, 10 Atco Avenue, Atco, New Jersey; Apparel; Cotton House Dresses; 8 learners (75% of the applicable hourly minimum wage); December 29, 1941.

The H. A. Austin Company, 15 Union Street, Worcester, Massachusetts; Apparel; Men's Belts and Garters, Panties, Sanitary Belts, Bandos and Style Assists; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

William Bernstein and Sons, 110 Carlisle Avenue, York, Pennsylvania; Apparel; Cotton Dresses; 34 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ber-Wed Manufacturing Company, Inc., 729 East Elizabeth Avenue, Linden, New Jersey; Apparel; Men's & Boys' Underwear; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Blue Ridge Overalls Company, Roanoke Street, Christiansburg, Virginia; Apparel; Overalls, Trousers; 5 percent (75% of the applicable hourly minimum wage); September 15, 1942.

Boreva Sportswear Company, South Water and Jefferson Streets, Stoughton, Wisconsin; Apparel; Skirts, Blouses, Slacks, Jackets, Bobbie Suits, Jumpers; 28 learners (75% of the applicable hourly minimum wage); December 29, 1941.

Bristol Frocks, Franklin Street, Bristol, Rhode Island; Apparel; Cotton Dresses; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued effective November 28, 1940.)

Ely and Walker Dress Factory, Vandalia, Missouri; Apparel; Dresses; 100 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ely and Walker Garment Factory, Paragould, Arkansas; Apparel; Shirts; 60 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ely and Walker Sportwear and Outerwear Factory, Delmar and East "B" Street, Belleville, Illinois; Apparel; Jackets and Coats; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued bearing the expiration date of November 5, 1941.)

Glix Brand Company, Inc., Brown and Kellogg Streets, Pittsfield, Massachusetts; Apparel; Ladies' Pajamas; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942.

Jacobs Grossman and Rosenberg, Inc., "K" Street and Erie Avenue, Philadelphia, Pennsylvania; Apparel; Children's Cotton Dresses; 20 learners (75% of the applicable hourly minimum wage); January 12, 1942.

J. H. Levy and Son, 1212 West Sixth Street, Cleveland, Ohio; Apparel; Overalls; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

J. H. Sportswear, Inc., 500 William Street, Pen Argyl, Pennsylvania; Apparel; Men's & Ladies' Sport Garments; 29 learners (75% of the applicable hourlyminimum wage); January 12, 1942.

Lancaster Garment Company, Inc., 241 North Ann Street, Lancaster, Pennsylvania; Apparel; Children's Cotton Dresses; 17 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Lisle Mills, Race and Court Streets, Allentown, Pennsylvania; Apparel; Infants' & Children's Wear; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Master Coat Front and Shoulder Pad Company, 111-119 West 19th Street, New York, New York; Apparel; Coat Fronts & Shoulder Pads; 5 learners (75% of the applicable hourly minimum wage); December 29, 1941.

Maye Undergarment Company, Inc., 33 Wallace Street, New Haven, Connecticut; Apparel; Ladies' Underwear; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued effective April 17, 1941.)

Midland Garment Manufacturing Company, Inc., Central Avenue, Nebraska City, Nebraska; Apparel; Pants and Shirts; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Reliance Manufacturing Company, Church Street, Columbia, Mississippi; Apparel; Dress and Sport Shirts, Pajamas; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued to you bearing the expiration date of December 23, 1941.)

Reliance Manufacturing Company, Michigan City, Indiana; Apparel; Woven Underwear; 100 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Rex Manufacturing Company, Inc., 3725 Dauphine Street, New Orleans, Louisiana; Apparel; Work Clothing, Shirts, Pants, Uniforms; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued to you bearing the expiration date of October 29, 1941.)

Rock Manufacturing Company, Inc., 93 West Camplain Road, Manville, New Jersey; Apparel; Pants; 10 percent (75% of the applicable hourly minimum wage);

December 8, 1941.

Shore and Cutler, S. W. Cor. 12th and Carpenter Streets, Philadelphia, Pennsylvania; Apparel; Men's Vests; 2 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Sunshine Clothing Manufacturing Company, Inc., 210 West Commerce Street, San Antonio, Texas; Apparel; Trousers and Shirts; 10 percent (75% of the applicable hourly minimum wage);

December 29, 1941.

Terminal Manufacturing Corporation, 1500 Hudson Street, Hoboken, New Jersey; Apparel; Ladies' Underwear; 5 percent (75% of the applicable hourly minimum wage); March 10, 1942.

Roland Weinbaum, Inc., 4 Brooks Avenue, Quincy, Massachusetts; Apparel; Ladies' Cotton & Rayon Housecoats; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Globe Feather and Novelty Company, 42 West 36th Street, New York, New York; Artificial Flowers and Feathers; 3 learners; October 27, 1941.

Joseph N. Eisendrath Company, 2001 Elston Avenue, Chicago, Illinois; Gloves; Knit Fabric Gloves; 25 learners; March 15, 1942.

Wells Lamont Smith Corporation, Aledo, Illinois; Gloves; Work Gloves; 50 learners; March 15, 1942.

Bell Hosiery Corporation, Suffolk, Virginia; Hosiery; Seamless Hosiery; 5 percent; March 10, 1942.

Lawler Hosiery Mills, 53 Bradley Street, Carrollton, Georgia; Hosiery; Seamless Hosiery; 30 learners; May 15, 1942.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Hosiery; Seamless Hosiery; 10 learners; May 15, 1942.

William Carter Company, 33 Morris Street, Springfield, Massachusetts; Knitted Wear; Knitted Underwear; 5 percent; September 15, 1942.

Hoosick Falls Undergarment Corporation, Hoosick Street, Hoosick Falls, New York; Knitted Wear, Knitted Underwear; 10 learners; September 15, 1942.

Gabriel Lichtenstein, Inc., 39 W. 37th Street, New York, New York; Millinery; Popular-Priced Millinery; 1 learner; March 15, 1942.

Gem Hat Works, Inc., 325 E. Central Parkway, Cincinnati, Ohio; Millinery; Popular-Priced Millinery; 2 learners; March 15, 1942.

The American Thread Company, Fifth and Cedar Streets, Bristol, Tennessee;

Textile; Thread Finishing; 10 learners; December 15, 1941.

Columbia Silk Throwing Company, Inc., Seventh Street, Bloomsburg, Pennsylvania; Textile; Rayon Throwing; 6 learners; March 15, 1942.

Hofmann and Leavy, 826 Broadway, New York, New York; Textile; Rayon Covered Wooden Moulds, Cords and Tassels, Pompons; 3 learners; January 15, 1942.

J & C Bedspread Company, Ellijay, Georgia; Textile; Bedspreads; 70 learners; February 16, 1942.

Valdese Manufacturing Company, Valdese, North Carolina; Textile; Single Carded Yarns; 3 percent; September 15, 1942.

Signed at Washington, D. C., this 15th day of September 1941.

Merle D. Vincent, Authorized Representative of the Administrator.

[F. R. Doc. 41-6907; Filed, September 15, 1941; 11:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 510]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC. FOR A CERTIFI-CATE OF PUBLIC CONVENIENCE AND NECES-SITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the application of American Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between El Paso and/or Fort Worth-Dallas, Tex., and Mexico City, Mexico, via Monterrey, is hereby assigned for public hearing on November 17, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Frank P. McIntyre.

Dated Washington, D. C., September

By the Board.

[SEAL] DARWIN CHARLES BROWN, Secretary.

[F. R. Doc. 41-6872; Filed, September 13, 1941; 9:33 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-188]

IN THE MATTER OF PUBLIC SERVICE COM-PANY OF INDIANA

ORDER TERMINATING PROCEEDING AND CAN-CELLING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that:

(a) On October 31, 1940, the Public Service Company of Indiana filed with the Commission a document dated October 29, 1940, designated in the files

of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 4—G providing for increased rates or charges for sales of nataural gas to the Northern Indiana Power Company in accordance with the terms of a contract between the said companies dated July 3, 1940, said schedule to be effective as of December 1, 1940, and to supersede a previously filed rate schedule designated in the files of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 3—G;

(b) On November 26, 1940, the Commission ordered that a public hearing be held on February 17, 1941, concerning the lawfulness of the rates and charges contained in said Public Service Company of Indiana Rate Schedule FPC No. 4-G and suspended the operation of the said schedule pursuant to the provisions of section 4 (e) of the Natural Gas Act;

(c) Subsequent to November 26, 1940, the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies entered into negotiations for the consolidation of said companies into a new corporation pursuant to the provision of The Indiana General Corporation Act;

(d) On March 21, 1941, the Public Service Commission of the State of Indiana entered an order authorizing and approving the consolidation of the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies under and pursuant to the provisions of The Indiana Gen-

eral Corporation Act:

(e) On or about April 17, 1941, the Securities and Exchange Commission released a report and entered an order and opinion on the proposed plan of consolidation and subsequent thereto the United States District Court for the District of Delaware in the matter of the reorganization of the Midland United Company approved the said plan of consolidation:

(f) Pursuant to the foregoing and to petitions filed by the Public Service Company of Indiana the Commission adopted orders on February 12, April 15 and June 20, 1941, postponing the date of hearing, the last of these orders postponing the hearing until September 15, 1941;

(g) On September 6, 1941, the consolidation of the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies into a new corporation named "Public Service Company of Indiana, Inc." was consummated under The Indiana General Corporation Act;

(h) On September 12, 1941, the Public Service Company of Indiana, Inc., notified the Commission that the consolidation aforesaid had been consummated, and requested the withdrawal of the aforesaid Public Service Company Rate Schedule FPC No. 4-G and dismissal of proceedings:

(i) The aforementioned consolidation of the Public Service Company of Indiana with Northern Indiana Power Company and other affiliates into the Public Serv-

No. 180-4

ice Company of Indiana, Inc. terminates by operation of law the contract of July 3, 1940, between the Public Service Company of Indiana and the Northern Indiana Power Company pursuant to which the rate schedule designated in the files of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 4-G was filed, and renders moot the subject of the instant proceeding;

The Commission orders that: The proceeding herein initiated by the Commission's order of November 26, 1940, be and the same is hereby terminated, and the hearing scheduled to be held September 15, 1941, be and it is hereby cancelled.

By the Commission.

LEON M. FUQUAY, Secretary.

[F. R. Doc. 41-6887; Filed, September 15, 1941; 9:42 a. m.]

[Docket No. G-211]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER TERMINATING PROCEEDING, ALLOWING RATE SCHEDULE TO TAKE EFFECT, AND CAN-CELLING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that:

- (a) By order of July 25, 1941, the Commission directed the United Gas Pipe Line Company to show cause at a public hearing:
- (1) Why it had failed to file a schedule of rates and charges for the sale in interstate commerce of natural gas to the Willmut Gas & Oil Company for resale for ultimate public consumption as required by section 4 (c) of the Natural Gas Act and Part 54 of the Provisional Rules of Practice and Regulations Under the Natural Gas Act;
- (2) Why the Commission should not institute appropriate proceedings against it, its officers, and/or directors pursuant to the provisions of the Natural Gas Act for its failure or refusal to comply with said Act and the Provisional Rules of Practice and Regulations thereunder;
- (b) On August 6, 1941, the United Gas Pipe Line Company filed an answer to said order to show cause which indicated that the United Gas Pipe Line Company had been unable to negotiate an executed contract with Willmut Gas & Oil Company and that United Gas Pipe Line Company was under the bona fide misapprehension that schedules of rates and charges required to be filed with the Commission should be in the form of an executed contract with the purchaser;
- (c) On August 11, 1941, the United Gas Pipe Line Company filed with the Commission a schedule of rates and charges (in the form of an unexecuted contract which contains the rates and charges, terms and conditions of sale) for the sale of natural gas to the Willmut Gas & Oil Company for resale for ulti-

mate public consumption, which has been designated as United Gas Pipe Line Company Rate Schedule FPC No. 48, and said Company has requested that such schedule be allowed to take effect retroactively as of January 24, 1940;

(d) The United Gas Pipe Line Company has not in this instance willfully and knowingly violated the provisions of the Natural Gas Act or the Provisional Rules of Practice and Regulations thereunder:

The Commission orders that:

(A) The proceeding herein initiated by the Commission's order of July 25, 1941. be and it is hereby terminated, and the hearing heretofore ordered to be held in this matter be and it is hereby cancelled;

(B) United Gas Pipe Line Company Rate Schedule FPC No. 48 be and it is hereby allowed to take effect as of January 24, 1940;

(C) The aforesaid rate schedule shall be deemed to have been filed and published in compliance with the Natural

Gas Act:

- (D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (b) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, provision, or condition contained in the said rate schedule;
- (E) This order is without prejudice to any findings or orders which may be made by the Commission in any proceedings now pending or hereafter instituted against the United Gas Pipe Line Company.

By the Commission.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 41–6888; Filed, September 15, 1941; 9:42 a. m.]

OFFICE OF PRODUCTION MANAGE-

Division of Priorities.

NOTICE TO MANUFACTURERS OF PARTS FOR THE MAINTENANCE AND REPAIR OF TEX-TILE MACHINERY AND EQUIPMENT

By virtue of the authority vested in him by OPM Regulation No. 3.1 and pursuant to § 944.4 of Regulation No. 1 of the Division of Priorities," the Director of Priorities will issue on and after September 13th, 1941, individual orders directed to manufacturers of parts for the maintenance and repair of textile machinery and equipment assigning preference ratings to material necessary for the production of such parts, or which will be physically incorporated therein.

Any manufacturer of parts for the maintenance and repair of textile machinery and equipment who wishes to qualify for such an order should apply to the Textile Branch, Office of Production Management, Washington, D. C. Dated: September 13th, 1941.

> DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-6908; Filed, September 15, 1941; 11:53 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-392]

IN THE MATTER OF GENERAL GAS & ELEC-TRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1941.

General Gas & Electric Corporation, a registered holding company, and a subsidiary of Associated Gas and Electric Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof, and Rule U-46 thereunder regarding the following transaction;

General Gas & Electric Corporation proposes to pay out of capital or unearned surplus the regular quarterly dividend on the \$5 Prior Preferred Stock of such company. 60,000 shares of this stock are outstanding, of which 27,889.1 shares are held by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and 32,110.9 shares by the public. The amount of the dividend, due September 15, 1941, is \$75,000. Said Trustees of Associated Gas and Electric Corporation have waived their right to collect the share of such dividend which would otherwise be payable to them as holders of 27,889.1 shares, pending further order of this Commission.

Said declaraton having been filed on August 28, 1941, and an amendment thereto having been filed on September 6, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having ordered a hearing thereon; and

The above-named declarant having requested that the effective date of said declaration, as amended, be accelerated in order to permit the dividend payment on September 15, 1941, and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, as amended, pursuant to section 12 (c) of the said Act and Rule U-46 thereunder to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions

¹⁶ F.R. 1596. 6 F.R. 4490.

of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6874; Filed, September 13, 1941; 11:45 a. m.]

[File No. 70-389]

IN THE MATTER OF AMERICAN & FOREIGN POWER COMPANY INC., AND ELECTRIC BOND AND SHARE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND APPLICATION TO BE GRANTED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

The above named persons having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10, and 12 (c) thereof and Rule U-42 thereunder regarding (1) the issuance by American & Foreign Power Company Inc. ("American Foreign"), a registered holding company,1 and a subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, of \$15,500,000 aggregate principal amount of 3% Notes, maturing serially to October 26, 1946, to be exchanged for a like unpaid principal amount of its presently outstanding notes held by certain banks and by Bond and Share, and (2) the acquisition of \$3,100,-000 principal amount of such notes by Bond and Share in exchange for a like unpaid principal amount of American Foreign's notes held by Bond and Share; and

Said declaration and application having been filed on August 21, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declaration pursuant to sections 7 and 12 (c) of the Act and Rule U-42 of the Commission thereunder to become effective and finding with respect to said declaration under section 7 of the Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under

section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said declaration and application be, and the same hereby are, permitted to become effective, and granted forthwith, subject to terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions which have been expressly agreed to by both companies:

- 1. That the above mentioned declaration and application are permitted to become effective and granted, respectively, without prejudice to any future action by the Commission with respect to the payment of all or any part of the principal or interest on the indebtedness now owing or to be owing by American Foreign to Bond and Share, which is the subject matter of the aforementioned declaration and application, or with respect to the position of such indebtedness in the security structure of American Foreign.
- 2. That the Commission reserves its jurisdiction generally over all aspects of all classes of indebtedness existing or to be existing between Bond and Share and American Foreign.
- 3. That American Foreign give at least 20 days notice in writing to the Commission before making any prepayment of principal on any of the notes to be issued to Bond and Share pursuant to said declaration and application.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

SEAL] FRANCIS P. BRASSOR,
Secretary,

[F. R. Doc. 41-6875; Filed, September 13, 1941; 11:45 a. m.]

IN THE MATTER OF SAUNDERS, MACKNIGHT & Co., INC., 1 BRIDGE STREET, PLATTS-BURG, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September., A. D. 1941.

Appearances: George S. Parlin, of the New York Regional Office of the Commission.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Saunders, MacKnight & Co., Inc. (formerly known as Pullen & MacKnight, Inc.) should be suspended or revoked. Pursuant to an order of the Commission dated July 18, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner

in New York, New York, on August 13, 1941.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation which tended to show that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of Albany, entered on May 23, 1941, from engaging in or continuing certain conduct and practices in connection with the sale of any security within and from the State of New York.

The hearing was ordered to determine whether the facts reported by the staff are true; and, if so, whether it is in the public interest to suspend or revoke the registrant's registration as a broker and dealer.

No representative of the registrant appeared at the hearing, but the record contains a document entitled "Answer and Consent to Revocation of Registration," signed for the registrant by a duly authorized agent, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges the existence of the facts and the cause of action set forth in the Commission's order, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant has been permanently enjoined by a decree of the Supreme Court of the State of New York from engaging in or continuing certain conduct and practices in connection with the sale of any security within and from the State of New York; and that it is in the public interest to revoke registration. Upon an independent review of the record, we adopt these findings of the trial examiner.

It is therefore ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Saunders, MacKnight & Co., Inc., be and it hereby is revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6876; Filed, September 13, 1941; 11:45 a. m.]

IN THE MATTER OF JAMES A. OVERMAN, DOING BUSINESS AS JAMES A. OVERMAN Co., 10 SOUTH THIRD STREET, YAKIMA, WASHINGTON

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of Sept., A. D. 1941.

Appearances: Charles E. Wright and James E. Newton, of the Seattle Regional Office of the Commission.

¹By order dated December 20, 1939, Release No. 1847, the Commission exempted American Foreign from certain sections of the Public Utility Holding Company Act of 1935, the exemption being only to the extent set forth in that order.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of James A. Overman, doing business as James A. Overman Co., should be suspended or revoked. Pursuant to an order of the Commission dated July 24, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner in Seattle, Washington, on August 11 and 13, 1941.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the registrant which tended to show that:

(a) The registrant is permanently enjoined by order of the United States District Court for the Western District of Washington, Northern Division, issued on June 26, 1941, from engaging in certain acts and practices involving the purchase and sale of securities;

(b) During the period from October 1940 to March 1941, the registrant engaged in the sale of common stock of Callahan Consolidated Mines, Inc., which stock was effectively registered under the Securities Act of 1933; in making such sales through the mails and in interstate commerce, registrant made material misrepresentations to prospective customers concerning the properties, operations, and management of Callahan Consolidated Mines, Inc.;

(c) During the same period, registrant used the mails to transmit to his customers letters offering the aforementioned securities for sale, which letters were prospectuses under section 2 (10) of the Securities Act of 1933, but did not contain the information required by section 10 of the Act, and registrant transmitted these securities through the mails for the purpose of sale and delivery after sale, although such securities were not accompanied or preceded by a prospectus meeting the requirements of section 10 of the Act.

The hearing was ordered to determine whether the facts reported by the staff are true; whether these facts, if they are true, require a finding that registrant wilfully violated sections 5 (b) and 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and whether it is in the public interest to revoke or suspend the registrant's registration as a broker and dealer.

The record shows that on June 25, 1941, the Commission filed a complaint in the United States District Court for the Western District of Washington, Northern Division, alleging that James A. Overman, individually and doing business as James A. Overman Co., had engaged in various transactions in the sale of the common stock of Callahan Consolidated Mines, Inc., in violation of sections 5 (b) and 17 (a) of the Securities Act of 1933. The defendant made no attempt to reply to the allegations of the complaint but filed a consent to the entry of an order enjoining him from further violation of

section 5 (b) and 17 (a) of the Securities Act and, on June 26, 1941, such an order was entered by the Court.

The registrant has not contested any of the allegations made in the order instituting this proceeding. The record contains a document entitled "Answer and Consent to Revocation of Registration" signed by the registrant, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges the existence of the cause of action for revocation set forth in the order instituting the proceeding, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant is permanently enjoined by order of the United States District Court for the Western District of Washington, Northern Division, from engaging in certain acts and practices involved in the purchase and sale of securities; that the registrant has wilfully violated sections 5 (b) and 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and that it is in the public interest to revoke registration. Upon an independent review of the record, we adopt these findings of the trial examiner.

It is therefore ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of James A. Overman, doing business as James A. Overman Co., as a broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6877; Filed, September 18, 1941; 11:45 a. m.]

[File No. 4-40]

IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND CITIES SERV-ICE COMPANY

ORDER POSTPONING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission; held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

The Commission having on August 25, 1941 issued a Notice and Order for Hearing in the above-entitled proceeding directing that a hearing be held on September 5, 1941 at 10 o'clock A. M. in the offices of the Commission; and

It appearing to the Commission to be in the public interest that the date for hearing as above be postponed so as to permit of a conference between representatives of Cities Service Company and the Commission:

It is ordered, That the hearing directed to be held on September 5, 1941 be and the same is hereby postponed until Monday, September 29, 1941 at 10 o'clock in the forenoon before the same officer of

the Commission specified in the said Order of August 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary,

[F. R. Doc. 41-6901; Filed, September 15, 1941; 11:36 a. m.]

IN THE MATTER OF WALTER P. SPIELBERGER, 10 East Jasper Street, Tulsa, Okla-HOMA

FINDINGS AND ORDER DENYING APPLICATION
FOR REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1941.

Appearances: John W. Alexander of the Fort Worth Regional Office, for the Trading and Exchange Division of the Commission; Walter P. Spielberger, pro se.

On May 22, 1941, Walter P. Spielberger filed an application for registration as an over-the-counter broker-dealer. By an order dated June 19, 1941, this proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registrant is permanently enjoined by a decree of the United States District Court for the Western District of Virginia from engaging in or continuing certain conduct or practices in connection with the sale of securities, whether registrant was convicted in the United States District Court for the Western District of Virginia of a felony involving the purchase or sale of securities, and, if so, whether it is in the public interest that his application for registration as an over-the-counter broker-dealer should be denied and whether, pending final determination upon the question of denial, the effective date of his application for registration should be postponed.

Pursuant to the Commission's order and notice duly served upon the registrant, the hearing in this matter was originally convened before a trial examiner at Fort Worth, Texas, on June 30, 1941. The registrant appeared at that time and requested a continuance to July 28, 1941. In connection with this request, registrant consented to the postponement of the effective date of his application for registration, pending final determination of the proceeding. By order of the Commission, the effective date of registration was postponed, pending the ultimate determination of the question whether registration should be denied, and the registrant's request for a continuance to July 28, 1941, was granted.

The hearing was reconvened on July 28, 1941, and at that time the trial examiner was advised that a letter had been received from the registrant requesting a further continuance. The examiner was also advised that, immediately upon receipt of this letter, counsel for the Trading and Exchange Division had informed the registrant that he would object to any further continuance.

The trial examiner reserved decision on the request for further continuance and adjourned the hearing to the following day, July 29, and again to July 30, 1941. In the interim, the examiner telephoned to registrant's residence and also sent a telegram to him requesting that he communicate with the examiner. The record indicates that this telegram was received by the registrant personally. However, the registrant did not communicate with the examiner and did not appear either at the hearing on July 29, or at the hearing on July 30. On the latter date, the examiner denied the request for further continuance and directed that the hearing proceed.

On the basis of the record made, we find that, by a decree of the District Court of the United States for the Western District of Virginia entered on August 28, 1937, registrant was permanently enjoined from engaging in certain fraudulent devices and practices in the sale to the public of fractional undivided interests in the Caprock Oil Company-R. B. Parks lease or units of beneficial interests in Cimarron Petroleum Trust. The record also shows that by an order dated August 24, 1939, registrant was convicted in the United States District Court for the Western District of Virginia of a felony based on the same transactions as those involved in the order of injunction and was sentenced to imprisonment for a period of 18 months. Upon the basis of the record before us, we find that it is in the public interest to deny the application for registration.

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the application for registration of Walter P. Spielberger as an overthe-counter broker and dealer be, and it hereby is, denied.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6902; Filed, September 15, 1941; 11:36 a. m.]

[File No. 70-349]

IN THE MATTER OF NORTHERN STATES
POWER COMPANY (MINNESOTA), NORTHERN STATES POWER COMPANY (NEW
JERSEY), AND SOUTH DAKOTA PUBLIC
SERVICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

Northern States Power Company (Minnesota), a registered holding company, and its wholly-owned subsidiary, Northern States Power Company (New Jersey), having jointly filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule

U-44 promulgated thereunder, regarding the sale of certain of its utility assets to South Dakota Public Service Company, a wholly-owned subsidiary of Sioux City Gas and Electric Company which is a registered holding company, for a cash consideration of \$45,000; and

South Dakota Public Service Company having filed an application under Section 10 of said Act regarding its acquisition of said utility assets; and

Northern States Power Company (New Jersey) having filed a declaration pursuant to section 12 (f) of said Act and Rule U-43 promulgated pursuant to said Act, regarding the transfer of its remaining assets to Northern States Power Company (Minnesota) in exchange for its outstanding securities, and having also filed a declaration pursuant to section 12 (c) of said Act and Rule U-42 promulgated pursuant to said Act regarding the acquisition and retirement of its securities and the subsequent dissolution of the company; and

Northern States Power Company (Minnesota) having filed an application under section 10 of said Act regarding its acquisition of the remaining assets of Northern States Power Company (New Jersey); and

Said applications and declarations having been filed July 11, 1941, and an amendment thereto having been filed August 30, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said applications and declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations, as amended, pursuant to Rules U-42, U-43, and U-44, promulgated pursuant to said Act, to become effective, and finding with respect thereto that the requirements of sections 12 (c), 12 (d) and 12 (f) of said Act are satisfied, and finding with respect to said applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act, and that the transactions involved have the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, as amended, be and hereby are permitted to become effective forthwith and that said applications, as amended, be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

SEAL FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6903; Filed, September 15, 1941; 11:36 a. m.] [File No. 70-401]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 1, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, a registered holding company and in turn a subsidiary of The United Corporation, also a registered holding company, proposes to issue a note or notes dated October 18, 1941, and maturing July 18, 1942, in the aggregate amount of \$450,000, with interest at 2% per annum, payable to Mississippi Valley Trust Company, in renewal of six notes aggregating \$450,000, payable to said bank, maturing October 18, 1941, and bearing interest at 2% per annum. The presently outstanding notes were issued to secure funds for the payment in part of various construction projects from June 1, 1939 to July 31, 1941. The notes outstanding and to be renewed represent 5.74% of the principal amount and par value of the company's other outstanding securities.

The first sentence of section 6 (b) of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6904; Filed, September 15, 1941; 11:36 a. m.]

